

# A Great Leap Forward: Changing Landscape of Shadow Energy-Maritime Economy off the Coast of Nigeria

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## **Abstract**

The Atlantic coast of Nigeria, especially the Niger Delta corridor is a dynamic energy-maritime space. The region witnesses a trend in continuous evolution, propelled by the intersection of the upper world and underworld economic activities, with several individual and institutional actors at its core. The underworld end of the socio-economic spectrum on which this coastal region of Nigeria is anchored is known for its robustness and has attracted significant scholarly attention. In furtherance of scholarly interrogation of the region's informal economy, this paper critically analyses the pervasiveness, entrenchment, and dynamics of shadow energy activities in the Niger Delta. Primarily, in a theoretical construction, the study discusses trends, patterns, and overlaps in the transition of energy-maritime shadow activities in the region. The study adopts a qualitative research method; combining primary data with a synthesis of the extant literature on the region's shadow economy and the involvement of organised crime in the region's energy-maritime landscape. The objective of the study flows from the fact of a great leap forward in shadow economy in the region through different social realities- grievance, greed, illegality, and organised crime. The paper develops a hybrid theory of crime; enterprise-value chain as an analytical archetype to explain the latest stage in the evolution of the underworld, shadow energy-maritime activities off the coast of Nigeria.

**Keywords:** Greed, Grievance, Niger Delta, Organised crime, Shadow Economy

## **1. Introduction**

The Niger Delta region of Nigeria exemplifies a complex and transitional shadow energy-maritime economy, marked by a confluence of informality, illegality, and criminality. This shadow economy thrives within a fragile and fractured territoriality, fueled by unrestrained resource exploitation, threats, and coercion. Despite the abundance of academic literature on the Niger Delta, there is a lack of systemic and rigorous scrutiny of the involvement and entrenchment of organised crime groups in the region. This gap is largely due to the secretive nature of the

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underworld economy and the consequent lack of access to data on criminality. The region is witnessing extensive and growing networks of shadow economy actors and structures that have the potential to undermine formal economic systems. Initially emerging as organized protests against the state and its perceived collaborators in the oil multinational corporations in the late 1980s (Ikelegbe, 2005), these movements evolved into greed-driven ventures involving Niger Delta militants and opportunistic criminal elements (De Andrea, 2008). This transition was reinforced by unregulated and uncontrolled crude oil extraction and piracy operations. Greed soon paved the way for organised crime, attracting many ex-militants who found criminality a more lucrative venture (Chatham House Report, 2013). Today, shadow energy-maritime activities such as crude oil theft and petro-piracy have grown into full-scale, organised enterprises. The involvement of organised crime groups not only sustains the shadow economy in the Niger Delta but also undermines the state's capacity to promote peace and stability in the region, representing a dual tragedy for Nigeria and the wider Gulf of Guinea region.

This research seeks to unravel the transformative nature of the shadow energy-maritime economy off Nigeria's coast, examining discernible trends and patterns within this complex landscape. It delves into the evolution from grievance-driven protests to a greed-driven shadow economy, exploring the intricate dynamics sustaining organised crime and illegality in the Niger Delta. Key questions addressed include: Why is the shadow energy-maritime economy off the coast of Nigeria transformative? What trends and patterns are discernible in this regard? The study is divided into eight sections. Following this introduction, the paper critically examines the grievance-greed theoretical dichotomy vis-a-vis illegal energy-maritime activities in the Niger Delta. It then dissects the enterprise model about shadow energy-maritime activities in the region and develops a new model of organised crime: the enterprise-value chain, as a basis for understanding the involvement and dynamics of organised crime in the region's energy economy.

## **2. Between Grievance and Greed: Understanding the Niger Delta's Complex Realities**

The discourse surrounding shadow energy-maritime activities in Nigeria and the wider Gulf of Guinea often centers on the hostilities and militancy prevalent in the Niger Delta. This discussion is frequently framed within the politics-economics dichotomy, as articulated by Cramer (2007) as the "politics of battle and economics of gain," encapsulating the "gun and butter dichotomy". Political explanations delve into motives as drivers and sustainers of conflict, arguing that rebellion and violent protests arise when grievances reach a critical threshold (Collier & Hoeffler, 2004). On the other hand, economic explanations point to greed and the pursuit of wealth accumulation as primary motivators for violence and conflict. These perspectives are evident in the literature on the Niger Delta, which explores both grievance- and greed-induced oil theft and petro-piracy.

## 2.1 The Illusion of Grievance

Grievances in the Niger Delta are often contextualized within the backdrop of dehumanizing socio-economic conditions despite the region's vast oil wealth. Despite over four decades of oil exploration and production, significant improvements in the living standards of the region's inhabitants remain elusive. Economic underdevelopment and chronic poverty continue to plague the area. The Niger Delta embodies the paradox of oil, where abundant natural resources coexist with widespread frustration and anger, particularly among the youth (Lubeck *et al.*, 2007). These grievances are further compounded by the conduct of oil multinationals, whose operations often disregard environmental and ecological concerns and lack accountability. This disregard has led to the emergence of aggressive, frustrated, and angry communities. In response, people have resorted to vandalizing oil infrastructure and engaging in crude oil theft as a form of compensation (Ajala, 2015).

The exacerbation of inequalities that widen through limited opportunities fuels these grievances. Social scientists argue that conflict often stems from unfair political processes and policies (Churchill, 2005). Violence becomes, as described by Meyer (2004) citing Lipsky (1970), a "political resource" utilized by those at the bottom of the political hierarchy to influence decision-making. This phenomenon is observable in the Niger Delta, where violent agitations led to an increase in derivation revenue from 1.5% in the 1980s to 13% in 2001 (Fubara, 2002). Gurr (1991) acknowledges violence as a tool for the marginalized to effect change, particularly when inequalities are reinforced by legal barriers imposed by dominant groups. In the Niger Delta, numerous unmet promises have eroded the confidence of the people, leading to deep-seated political and economic inequalities (Welch, 1995).

Linked to this frustration-aggression dynamic is relative deprivation, inherent in human nature, which occurs when one group experiences marked improvements while another does not, fostering feelings of injustice (Stewart, 2000). This disparity can fuel collective violence as group identity evolves. Akerlof and Kranton (2000) note the importance of group identity in organized violence, even when driven by greed. The lack of access to oil benefits and the resulting exclusion underscores the paradox of plenty, with most inhabitants facing extreme hardships. Petro-capitalism exacerbates these challenges, particularly for the youth in the Niger Delta, worsening formal sector unemployment (Ifeka, 2010). Many youths turn to criminal activities like oil bunkering for survival (Osaghae *et al.*, 2008). This criminal activity, while stemming from grievances, represents a predatory quest for a livelihood.

In response to this socio-economic milieu, oil theft becomes a form of protest for many discontented youths against environmental degradation, oil company abuses, and government neglect (Akinola, 2011). These protests have evolved from peaceful demonstrations to forceful occupations of oil facilities. Local bunkering serves as a financial lifeline for militants, funding operations and attracting recruits (Watts, 2008a; Omeje, 2013; Szeman & Boyer, 2017). However, the allure of profits in a globalized economy can lead these groups astray into

criminality (Palma, 2013). Illegal oil activities have become innovative survival strategies for many, despite government amnesty initiatives that fell short of providing comparable incentives.

## 2.2 Economic Predation and Shadowy

It is the view of certain economic theorists (chief among whom are Paul Collier, Anker Hoeffler, and Michael Ross) that shadow maritime activities in the Niger Delta region could be explained by greed or predation. According to Collier *et al.* (2006), greed plays the defining role in criminal activities, and especially those involving the youth, in a complex history of oil exploration, production, and petro-capitalism, allowing belligerents access to oil wealth and rents through a chain of clienteles. A link exists, then, between greed and conflict, as natural resources which ought to be managed by the state are diverted and channeled towards sustaining the rental and clientele systems that in turn necessitate a ceaseless battle over control of such resource bases (Welsh, 1996; Young, 1982). Theorists in this school insist that resource endowment intensifies the tendency toward civil wars. The wars in Angola, Liberia, Sierra Leone and the Democratic Republic of Congo are pointed to as proof. It is held that the need to prey on resources provide the primary motive for rebellion within states (Collier, 2003). Likewise, conflicts over resources could be understood by grasping the sources available within the state to fuel and feed a civil war. Here the greed model has its point (Collier & Hoeffler, 2002).

Without denying that grievance could play, and indeed plays, its own role in the onset of conflicts, the argument for economics as a much stronger driving factor to violent conflicts does hold better, especially considering the political contexts in which such conflicts break out. Much unlike the grievance school has it, when certain determining variables are present (*pace* a weak state, peaceful negotiations have a higher cost point than rebellion, illegal means exist as portals to get funds), mobilizing people to a rebellion becomes considerably easy (Emuedo, 2014). As such, it is harder to mobilize rebellious forces against the state simply because of grievances that range from a strain felt on a group's political right, marginalization, and government policies geared to keep out such groups. On the other hand, the economic factor provides and has more swathe as a reason to begin and to continue engaging in conflict. Nevertheless, several scholars have taken the greed school to task for its methodological assumptions (Murshed & Tajuddin, 2008; Hegre & Sambanis, 2006; Boschini *et al.*, 2004).

Greed as a causal and an explanative factor has found currency in the literature on countries blessed with resources but also torn by almost perpetual conflicts aimed at destabilizing and eventually dominating (whether by seceding or politically controlling) resource domains. As such, this model has offered a remarkable basis for conflicts in countries endowed with resources in Africa. However, the explanation offered by the greed model is too trim to be comprehensive of the situation in the Niger Delta. A crucial notion, following theorists of the greed model, is that secession from Nigeria or a need to exploit the state are the vital reasons

for militancy and insurgency in this region (Emuedo, 2014). However, this has not been the case. To the insurgents and militants, secession has never been a major concern; the focus has been instead that the Nigerian state needs to be better administered, and that for such administration, it is necessary to return to federalism proper, the kind of federalism by which Nigeria was administered in the period between 1953 and 1967. This manner of federalism would afford the various sections of the country the right to manage the resources in their domains as well as using such resources to effectively serving the individual region. It would be incorrect to assume that greed functions as a drive only at the national—and not also on the local—level; that it is primarily a political motive, geared once and for all toward secession. On the contrary, greed as local nuances. Considering, therefore, that there has been no serious intention to break away from or capture the state in this context, the greed model cannot be taken as a sufficient explanation for what lies at the base of hostility *cum* insurgency in the region.

Moreover, the greed school draws a thick line between the government and the rebel groups, asserting that both parties do not interlink or interwork, as the case may be. For the Niger Delta, this distinction may be naive. The status quo in the region is one where the ruling elite interrelate with the militias, greasing one another's elbows, as the phrase goes. Elections are manipulated, ballot boxes are snatched, and voters are harassed with the aids of thugs that are on the payroll of the region's politicians. The 2003 elections were thus handled by thugs and the eventual outcome owed as much to their activities. Funds and arms were routinely available and militant operations in the region hiked (Adesanya, Jatula, & Opeyeoluwa, 2023). This is one reason why the distinction does not quite hold. Additionally, it has been suggested that the Nigerian government forces itself served as an arms provider to the militias at the time (Watts, 2008a).

The Niger Delta context also robs the logic of economics at the heart of the greed model (for instance, plundering oil reserves) of some of its persuasion. Collier (2006), taking Asuni's side (2009), draws the map of militia activities in the region: rebel groups, for the sake of money, take part in illicit engagements; they invest earned money in arms; the weapons are used to carry out other illicit deals; and what is earned is employed in the service of the leaders of such groups. The fact that rebel groups have engaged in energy-related deals that shortchange the state gives some credence to the role greed plays in the instability of the region. But Collier (2003) takes it further by arguing that there is a larger system of criminality into which youth militancy, directed toward various ends, fits, and which is sustained by the high language of social justice without a serious plan towards realizing that justice. The criminal inclination of the region has become stronger: 4,779 thefts of oil were carried out in the decade between 2003 and 2012—2012 alone saw 180 of those thefts (Katsouris & Sayne, 2013). Additionally, Katsouris and Sayne (2013) make the case that crimes of this nature, massive oil bunkering in the region especially, rake in as much as a billion USD per annum. As

such, it becomes clear that greed, like its counterpart grievance, is inadequate in their explanatory capacity—with regards to the illicit activities of the Niger Delta region.

### **The Interplay of Grievance and Greed: Militants and Illicit Oil Activities in the Niger Delta**

In order to understand the illicit energy- and maritime-related activities in the Niger Delta, we can take another approach. Below the interwoven elements that make up the shadow economy, there appears to be the motive of criminality, involving militants and their likes who sustain the illicit economy nurtured on criminally-appropriated and -directed oil dealings. The period from 2001 and 2005, according to Omeje (2008), was one during which militants not only took crucial part in bunkering oil but also acted as guards of containers carrying the stolen resource. Even more, they did the stealing. This interworking of the militants with other belligerents was conflict-prone, with both parties taking violent approaches to control of domains of interest. In some cases, the situation has degenerated into serious turf wars, with break-away groups fighting their leaders. In 2004, for example, the ‘war of the creeks’ was fought between Asari Dokubo and Ateke Tom (Omeje, 2008; Adesanya, Jatula, & Opeyeoluwa, 2023). It was a contest for the domain from which to bunker oil. It has been suggested by Agbonifo (2007) that while criminal activities having to do with oil conducted by militants in the Niger Delta does keep the conflict alive, there are basic issues that have provided a reason for such conflict and those issues should be kept in focus.

However, the fact that militants have engaged and handled the illicit procurement and disbursement of oil is proof to the effect that there is a case of greed at work. With the Niger Delta militias, it has become obvious that greed could intersect frustration and create a situation of violent conflicts (Emuedo, 2014). In this sense, a dissatisfaction with the political state of things could influence the need to reach for minor economic benefits by any means or to play a part in the grab of large economic security (*ibid*). It is possible, therefore, for greed and grievance to exist as mutually sustaining factors in conflict contextualisation. Watts (2008) puts it this way:

To see oil theft...as...evidence of a simple linear shift from grievance to greed is not helpful, in part because one person’s greed is another’s grievance and because inevitably this mix of forces—always open to different definitions and meanings—always operates as part of a complex whole.

Furthermore, Cramer (2007) posited that, although there is no serious reason to suppose that the causal factor has deviated strongly to greed from grievance, “there is no reason in principle why organised crime—not simply extortion and sabotage as the ‘obstructability’ thesis claims—and grievance cannot coexist perfectly well” (Omeje, 2013; Abrahamsen, 2013). The Niger Delta case offers a clear situation, one where greed not only exists side-by-side with grievance, but one where the one nurtures and bolsters the other through interaction.

A new development took place in the region once the militants began to take part in illicit oil activities: there was a process of evolution, or transformation, in which the ‘boys’ ripened into ‘barons.’ In their more mature firm, they began to direct oil theft and bunkering operations using diverse covers—ethnic relationships, as well as group relationships, among them; and in addition, they began to devise calculated means to make money. Consequently, the transformation was followed by a different motive for oil bunkering. Militia groups such as the Niger Delta People Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta (MEND) found oil theft a ready tool to carry out rebellious operations and make the point that their request for political autonomy and resource control was serious (Omeje, 2008; Ikoh, 2013). Such operations were fed by bunkered oil transacted for arms, drugs, and cash (Duquet, 2009). But, as Etim (2015) noted, bunkering soon became the end and not just a means, it became an enterprise for the ‘barons’ to grow fat by.

As a major part of this transformation, the NDPVF exemplifies the movement to illicit activities not only as means but as a main enterprise. The group started producing and refining oil (albeit in minor quantities). It also oversaw a crude-oil trade with the coastal communities and the creeks (Omeje, 2008). Such fuel (those refined for the non-state economy) always come at a lower price compared to the prices offered by the state. At the time when a liter of petroleum was officially 45 naira, fuel produced for the local market by illegal means was sold for 10—15 naira (Omeje, 2008). To the NDPVF, however, this activity is legitimate and forms a core part of the need to be allowed to have the managerial authority over the resources in the region (Adesanya, Jatula, & Opeyeoluwa, 2023). Not surprisingly, such illegal activities have been normalized by social understanding in the communities where they take place. Such acts are seen as a necessary control over *local* resources. Making the same argument, the former leader of NDPVF, Asari Dokubo stated such activities helped return to the Ijaws what nature had bequeathed to them and that illegal refining was a way to provide to the community at an affordable cost a commodity that came at too high a price (Oluwadare & Oyebamiji, 2012).

The NDPVF involved in such activities, especially at the initial stage of their rebellion, saw the act as justified to fight oil multinationals and sabotage the Nigerian government’s control of oil resources in the region. However, the NDPVF and MEND militants, who initially viewed the rebellion through the lens of social justice, became heavily involved in illicit oil bunkering, theft, and extortion and began to employ the rhetoric of fighting for the interest of their communities and the Niger Delta. The proceeds from oil-related criminal activities were used to purchase arms, while the rest ended in private accounts.

There is, therefore, a clear case of some militia leaders blurring the line between social justice and criminality, raising a mix of grievances and greed, which brought other criminal elements in contact with militia groups. This situation led to the Niger Delta conflict becoming characterized by an admixture of grievance, greed, and organized criminality, with oil bunkering underpinning the nexus of insecurity and underdevelopment in the Niger Delta region.

### **The Shadow Enterprise and Its Value Chain**

In this section, I offer an elucidation of organized criminal activities that are oil-related—including theft, petro-piracy, and criminal trade in fuel—in the GoG by employing the business enterprise model. The model takes its cue from economic models used in comprehending and understanding large-scale, deliberately constituted crime, as well as the value-chain approach. The case made here is enterprise or a crime that has been formed as a transactional venture is that the top-of-the-list explanation for organized energy- and maritime-related operations in the GoG. It is a position that has its root in economic theory, which affords us two models, not entirely dissimilar, for analyzing and gaining clarity into systematic criminal activities. The market model tries to understand what criminal markets are like; but what the enterprise model attempts to realize is how forces interact in that market, how the market itself moves. The two models take it as a given that criminals, like any enterprising group of people, are always in search of new avenues to increase profits. The market model probes the elements that influence and shape demand and supply in local or global illegal markets. Markets deal in serving a consumer base an array of goods as well as services against severe legal restriction to produce, market, and consume those goods and services. Markets of this kind include markets that cater to drugs (like cocaine, heroin), illicit arms, etc. (Williams & Godson, 2002).

There are senses in which organised crime, being a business, resembles legitimate businesses: the enterprise model emphasizes those senses. The enterprise model lays emphasis on the fact that economic activities and the forces that act within the market tower over the structural fabric of criminal groups. It asserts further that legitimacy or its absence does not essentially deter the market forces; they operate in spite of them and provide the context for criminal trade activities (Smith, 1980). However, “both licit and illicit firms behave in similar ways: they focus on profit, seek out economic opportunities, make rational judgments about their investment of time and money, and attempt to minimize their risks” (Desroches, 2005, p. 42). Moreover, “despite some differences, both the market and enterprise models focus on market forces, criminal opportunities, and the entrepreneurship of organised crime” (Desroches, 2005). The study that is being conducted is particularly concerned with those elements, and, as such, the enterprise model has been adopted as the analytic model. Yet, this framework is also limited: it does give us a reasonable WHY that beats at the heart of every illicit business, but it does not offer much light on the HOW of an illicit economy, even though Smith (1980) does make reference to core technology, the technical aspects of business which make it possible for the entrepreneur to create and move the product. It is necessary, then, to buttress the enterprise theory. The value chain approach (by Michael Porter) offers good support. Going by its most basic assumptions, we are able to get a qualitative understanding of the infrastructural baseline that makes the creation and production of value possible, the same original channel that allows for the delivery of services, whether they be legal or not. It does provide a good analytical edge. What has come before is thus a presentation of what one may call the ‘enterprise-value



chain' theory. This framework presents, with regards to the focus of this study, an adequate architecture for locating and better elucidating the overriding motive to crime as well as the networks that sustain the production and distribution of illicit goods in the region. Though a new framework, relatively speaking, through the framework we are able to do the following: (1) assess legal and illegal opportunistic structures; (2) come to terms with the nuance and flexibility of the marketplace as well as the susceptibility of the marketplace to the operations of opportunistic structures; and (3) lastly, it is also possible to ascertain the apparatus whereby the preying structures create that which they provide to the various entities on the scale, including the entrepreneurs, the consumers, and even some institutions.

### **Enterprise Theory of Crime (Spectrum-Based Theory of Enterprise)**

Drawing on business and economic principles, particularly organization theory (Thompson, 1967), Dwight Smith (1975) emphasizes the business or enterprise of organised crime or "enterprise crime" (Kirby & Penna, 2010, p. 195), or what Bowden and Basnet (2012, p. 14) refer to as the "economics of criminal motivation." Smith, an American author of "The Mafia Mystique" (1975), was born on June 23, 1930, in Bellingham, Washington, USA. Having worked as a U.S. Army Counter-Intelligence officer in the 1950s and New York State organised crime intelligence officer a decade later, Smith wrote "The Mafia Mystique" in 1975 as a direct assault on Mafia mythology before seeking to explain organised crime using the spectrum-based enterprise model.

The enterprise or entrepreneurial theory sees entrepreneurship as the primary basis for the existence of organised crime. As Kenney and Finkenauer (1995) observed, "organised crime is essentially an ongoing economic operation whose business is to provide illegal goods and services" (p. 22). Such activities, in the words of Lyman and Potter (2015, p. 70), quoting Smith (1980), exist because "the legitimate marketplace leaves unserved or unsatisfied many people who are potential customers." Hence, economic enterprise may involve both legitimate and illegitimate businesses across a broad spectrum, as there exists a range of (legal and illegal) behavior that could provide a context for commercial transactions. Organised crime is therefore "different from legitimate organized business only because its activities fall at a different place on a spectrum of economic enterprise" (Finckenauer, 2012, p. 22). Such a spectrum includes both legitimate business and criminal activities—a "range of economic activity that is continuous from the very saintly to the most sinful" (Beare, 2017, p. 371). Indeed, on the spectrum, there exists a range of behaviors that form the basis for conducting all manner of business activities, and to that extent, legality becomes a mere arbitrary point on that range and does change or relocate with the passage of new laws (Smith, 1980). However, the continuum of entrepreneurial behaviors remains unchanged (Smith, 1980, p. 373). Only a thin line exists between what is legal and illegal, and to put it more succinctly, organised crime, in many cases, mirrors the legitimate business world (Landesco, 1929).

However, “just as there is a spectrum of entrepreneurship, there is a spectrum of customers” (Smith, 1980, p. 379). There are customers whose legitimate needs are satisfied legally and there are those whose needs are met illegally, whether the needs are legitimate or not. Nevertheless, Smith’s approach focuses on criminal activities rather than individuals or groups who partake in such illicit acts, which implies that the unit of analysis is not individual groups or actors but the illegal economy or marketplace.

Smith may have drawn inspiration from Joseph Albin (1971), who described criminals involved in organised crime as illegal entrepreneurs who constitute a ‘syndicated crime’ characterized by loosely structured patron-client relationships guided by codes of conduct and mutually agreed-upon roles, responsibilities, and benefits. Such calculations of expected obligations and benefits fit into the rational theory of crime, which asserts that criminal acts evolve from a careful risk assessment as to whether or not a criminal act should be committed. This is not to say that all criminal entities or organizations are rational. Nevertheless, offenders are often seen as profit-oriented entrepreneurs who act based on rationality and consciousness and who, though perpetrating illegal acts, operate within the confines of the laws of supply and demand that regulate legal activities. Therefore, the case can be made that “there is no need to assume rationality nor hierarchy in the criminal organization” (Gottschalk, 2009a, p. 7), in the application of the enterprise perspective. Instead, the consideration should be how criminals “entrepreneurially form an enterprise to organize links to customers and suppliers as well” (Gottschalk, 2009b, p. 24).

The underlying principle of organised crime hinges on understanding “how, by whom and with what effects opportunities to create future profits are discovered, evaluated and exploited” (Gottschalk, 2009a, p. 9-10) and a “necessity to maintain and extend one’s share of the market” (Savona & Williams, 2012, p. 3); a principle that governs business operations at the legitimate marketplace as well. Illegal enterprises extend the reach of legitimate market activities beyond the existing permissible legal limit guiding business activities and the quest for profit (Smith, 1975); a development that enables organized criminal syndicates to operate and thrive like legitimate businesses. In much the same way as legitimate enterprises, illegal business activities strive to meet the demands of several players in the industry, including competitors and regulators (Smith, 1975). Hence, the only difference between the two opposing business activities (organised crime business and legitimate business) is the nature of the goods and/or services they deal in. Whereas organized criminal syndicates deal in illegal products/services, legitimate businesses usually do not. However, a legally recognized business activity or product may be exchanged in a business transaction through an illegal mechanism or process to make what becomes an illicit profit. In this case, what is criminalized is not the product or business activity but the mechanism by which the product is exchanged and services rendered. This is the case with stolen crude oil and refined petroleum produce. Both produce in the GoG are not proscribed by law but remain illegal when stolen, transported, and sold illegally. So, the notion of illegality or organized criminality can be ascribed to both the product and process by

which it is sold. It then goes to say that a legal product derived and sold illegally qualifies as illicit business dealing, regardless of whether the law affirms the sale of such product, and comes under the umbrella of organised crime as long as the key features identified above are present.

The goal of the enterprise model is to provide a basis for analyzing illicit enterprises. Such an analytical foundation can be anchored on two notions: (1) that the marketplace often mutates from legal to illegal because of the fluid nature of legal boundaries; and (2) that the existence of demand will sustain the marketplace and thus drive entrepreneurs towards ensuring that demand is satisfied regardless of legality (Smith, 1975). To have a reasonably uniform approach and parameters by which to analyze and understand illegal enterprises, Smith makes a case for the marketplace as an analytical tool in any industry which indicates a range of business activities operating at opposing ends of the enterprise spectrum, that is, the different legal and illegal business activities operating at the marketplace (Smith, 1975). But as the edge of legitimacy is subject to constant change, or because of the fluidity of the legal boundary the existing status of an enterprise (especially an illegal enterprise) may change. What however remains unchanged are the continuum of entrepreneurial behaviors and the ability to measure the scale. Scaling therefore helps to provide some understanding of how regulations influence legitimate and illegitimate behaviors.

Several factors influence the development of an illicit market or entrepreneur. First, market dynamics, which serve as the primary context for the illicit entrepreneur and ensure he/she operates beyond the boundaries of legitimacy. Second, a high level of demand for a particular illicit good or service coupled with a relatively low chance of being apprehended and detained and the possibility of making a considerably high profit provide the attraction for crime syndicate networks to access the marketplace to make a profit by supplying illicit goods and services. This means that all an illicit entrepreneur needs is an identifiable market. There is also a need for a reasonable degree of consumption or demand to maintain an acceptable profit and to justify risky investments (Smith, 1975).

Similarly, as Peter Reuter submitted, illegal enterprises do not have the resilience of legal business because of the hostility of the environment within which they operate and the many constraints imposed on their operations as a consequence, including restricting the flow of information about the business, lack of external credit facilities and legally binding contracts on their operations (Reuter, 1983). Such challenges have adverse consequences for the operational efficiency of illegal businesses which may come in the form of asset seizure, arrest, and imprisonment of illegal entrepreneurs among others (Adesanya, 2023). Thus, a crucial element in the survival of an illegal enterprise is how well information about the activities of its entrepreneurs can be controlled to ensure its continued operation and survival.

The enterprise theory, with its focus on a continuum of business activity, has jettisoned the age-long notion of a divide between legality and illegality, with nothing in between (Smith, 1975), emphasizing instead the existence of an intersection between legitimate businesses and

the underworld. However, this assumption of interlinked economies has been criticized by some authors who observed that analyzing both legal and illegal businesses using the same theoretical assumptions is problematic (Potter, 1994; Reuter, 1983; Southerland & Potter, 1993). In particular, Reuter (1983) argues that both legal and illegal economies are fundamentally different and that those differences should take pre-eminence, rather than emphasizing the points of convergence between the business divide, however promising that perspective may be. He submits further those illegal businesses do not enjoy the attributes of formality, complexity, and rationality which are the basic features of the legal edge of the enterprise spectrum; it may therefore hold little promise to examine organized business crime from the standpoint of legal business and market theories (Reuter, 1983). Nevertheless, as Newbum (2017, p. 455) remarked; the “unleashing of market forces has unintentionally encouraged and facilitated not only legal economic activity, but illegal economic activity as well”, bringing about an intertwining between licit and illicit businesses, which allows economic exchanges to sit somewhere between legal and criminal business. Hence, at least in principle, the markets for stolen crude oil or illegally traded oil could be analyzed in the same way as legitimate energy markets using the same theoretical foundation, and it is this foregoing assumption that underpins the current study.

A narrowly-conceived approach to organised crime may blur its social dynamics which are constructed and nourished by unpredictable relationships among stakeholders in the enterprise, and may have significant social impact on the market structure. What that means, an economic theory of crime seeks justification or motivation for action, it merely interrogates the underlying non-economic variables and dynamics that shape the economic system in the long run. What is lost as a consequence of this, is gained through the value chain which focuses on the processes sustaining economic activities, and interactions of different essential components, including human elements in the supply-demand segment of the entire production chain.

### **Porter’s Value Chain Approach- What is a Value Chain?**

The operational mechanisms of criminal economies can be likened to those of formal and illegal activities. Like legal businesses, criminal enterprises are propelled by a network of activities that run through the entirety of the production-delivery ends. Each component of the production process generates value which comes in different forms: information, goods, or human capital (Dujin *et al.*, 2014). However, while the enterprise paradigm focuses more or less on the business of crime and an intersection of legitimate and illegitimate entrepreneurs on a spectrum, it gives no attention to how production and service delivery activities are facilitated, despite emphasizing the existence of a market system and technology as critical components and conditions of a production system (Smith, 1980). This HOW of a business, which is the concern of the value chain analysis, is of importance in this study as the economic justification of the business, which is the focus of enterprise theory. It is, therefore, imperative to align the

theoretical divides- the ‘how’ and ‘why’ theories (enterprise-value chain) especially because it offers significant analytical advantage over either of the two disparate theories.

The enterprise theory embodies a form of perspective to examining the relationship between organised crime and legitimate business (see, for instance, Smith, 1980 & von Lampe, 2016). For an empirical, comprehensive, and much broader analysis, a focus on the value chain offers other important dimensions of the relationship, including activities, structures, and governance (von Lampe, 2016). The new framework, therefore, seeks to construe the relationship between organised crime and legitimate business not strictly as “contact between two separate spheres: underworld and upper world” (von Lampe, 2016, p. 241) but one that is constructed and nourished within a production system and quasi-governmental structures.

The concept of value chain emerged in academic literature in the late 1960s and early 1970s by analysts to explain the production and export dynamics of mineral resources by countries (Girvan, 1987). Its usage further gained appreciable currency in the 1990s. More recently, value chain analysis has gained prominence in the literature on business organization and management; a resurgence which can be attributed to the works of Porter (1980, 1985). Since Porter, the notion of value chain has come under different interpretations (see Womack and Jones, 1996; and Raikes *et al.*, 2000) with significant overlap concerning its theoretical and practical underpinning.

Michael Porter (1985) identified two key components of the modern value chain system. First, he identifies the various interlinked functions or activities performed on a value chain. In this regard, the distinction is made between the different supply stages from inbound-outbound logistics to marketing and after-sales services and processes involved in the transformation of inputs end products (production, logistics, quality control, etc.), as well as support services (strategic planning, human resources management, procurement and deployment of technology) required by a firm to achieve its objectives (Porter, 1985). To Porter, such value chain activities are not strictly distinctive and independent activities but are connected through a chain-like process within the value chain (*ibid*). The significance of Porter’s tiered approach is that attention is taken away from physical transformation to support services, where it is said that the greatest value is added. Suffice it to say that the above activities and functions could be carried out in an intra-link system through other links (Kaplinsky & Morris, 2000, p. 7). However, Porter, confusingly, referred to this ‘intra-link’ chain as the value chain. Second, Porter spoke to the notion of a “multi-linked value chain”, describing it as “the value system” (Porter, 1985, p. 48). Porter’s ‘value system’ conception broadens the notion of value chain to include inter-link linkages. Hence, Porter’s value chain speaks to not only a single chain, but also an inter-link linkage; to the notions of intra-link and multi-linked value chain. However, both of these notions are embedded in the contemporary conception of the value chain.

Porter’s theory aligns well with the logistics of organised crime approach of Ulrich Sieber and Marion Bogel (1993). Seiber and Bogel (1993), deriving their framework primarily from the logistics of legal businesses and military organizations, reiterate the notion that “goods or

services are created and marketed through the coordinated use of required services” (von Lampe, 2016, p. 87), involving procurement of required resources, production of commodities using these resources, marketing of produced commodities, flow of information, use of violence and corruption to influence accomplices (von Lampe, 2016).

Gereffi and Fernandez-Stark (2011) espoused further Porter’s theory by incorporating a global element and explaining the value chain in the context of a global production system and international trade. Gereffi and Fernandez-Stark’s concept focuses on the global value chain and coordinating mechanisms sustaining a globally dispersed production system. Therefore, they observe that several chains have a command-and-control system, where some powerful players or parties act as lead firms, determine the structure of the chain, and upgrade and coordinate activities within and between links. Such ability to coordinate a commodity chain can be likened to a system of governance, which could be a buyer-driven commodity chain or producer-driven, in which case the producers play significant roles and drive the chain (Kaplinsky & Morris, 2000). Gereffi and Fernandez-Stark’s notion brings an interesting dimension to the work on value chains in the context of the tripod of energy-maritime criminality in the GoG. As a global and internationally traded commodity, crude oil and petroleum produce (including stolen and hijacked) operate a global multi-chain structure, facilitated by individual and institutional actors, who are bonded by entrepreneurial motivations and the goal of profit-making.

In several organizations though, there are no inbound and outbound logistics, and the production of goods does not follow in sequential order (Gottschalk, 2008). Contrary to Porter, the highlight of the value chain concept which is of significance to the present study is that it entails the linkage of two areas; the link between the value of any enterprise’s activities and its main functional parts, and the assessment of the role of each component in the overall added value of the business. It emphasizes the significance of job specification and categorization of job functions and activities into key stages in the life cycle of a product – from production to delivery- as well as the interconnections underpinning the entire production process.

Regarding the theme of this study, the value chain highlights the linkage between crude oil thieves, petro-pirates, and illegal dealers in fuel; their financiers, and sponsors. From the perspective of governments and law enforcement agencies, understanding a criminal value chain will throw more light on the dynamics of piracy especially its funding sources and financiers, and how funding is generated, which may help deepen understanding of the resilience and longevity of the phenomenon. Such a framework further highlights the governance structure within it, which may be of tremendous interest to law enforcement agents *viz-a-viz* understanding how resources are allocated and how coordination and governance are executed within the chain to evolve the right response mechanism.

Indeed, a value chain model to understanding illicit and shadow energy activities particularly in Nigeria’s Niger Delta region outlines a new approach –building on Anna Bowden and Shikha Basnet’s “The Economic Cost of Somali Piracy, (2011)”, Katsouris and Sayne (2013),

Asuni (2009), Boris (2015), Igbinovia (2014), among others. Geopolitics creates an economic and business model for understanding Somali piracy, highlighting costs and benefits, support services, as well as agency and institutional actors across the piracy value chain in Somalia. The work underscores the significance of understanding piracy infrastructure or value chain, the finances that sustain piracy, as well as the profits accruable from the venture. Though a focus on piratical incidents off the coast of Somalia, it does however provide significant insights into how best to combat piracy. Similarly, Anna Bowden and Shikha Basnet's report situates Somali piracy within the frame of a general economic cost analysis of piracy across the global piracy epicenter, including the GoG. Essentially, the report focuses on the primary and secondary costs of piracy, with a greater focus on the costs associated with the supply end of piracy and its impact on governments and industry players. The current study therefore takes a path less travelled, and, while the above papers may provide important contributions given the dearth of related literature in this area, detailed research on the value chain will offer significant insights into how criminality is organized and festers in the GoG, and further nourishes not least an academic understanding of the illegal business.

A value chain offers a methodical approach to investigating and understanding the competitive advantage of actors involved in illegal oil and maritime activities in the GoG, their financiers, and sponsors. The research provides a detailed and overarching crude oil thieves-illegal fuel trade-petro pirate value chain model, which identifies the value creation processes of the illicit activities across the enterprise spectrum- from financiers and sponsors, crude oil thieves and pirates, and logistical support operators or support services providers, engineers and arms suppliers, etc. - encompassing both sea and land-based support mechanisms. The framework analyses the processes, dynamics, and governance structures that underpin value creation for each form of criminality. It also speaks to the interconnectedness and convergence among the disparate forms of criminality in terms of products and services rendered, modus operandi, and enabling crime scene (i.e., the GoG). Hence, the framework offers an analytical theoretical advantage because it creates a more systemic, concentric view of the layered structure of dynamics of value creation and its sustaining governance structures and infrastructures, which provides a foundation for the empirical investigation carried out in this study.

### **An Enterprise-Value Chain Theory of Organised Energy Crime**

What this study seeks to achieve through a robust deconstruction of the theories above is to have a justifiable ground for reconciliation such that allows for a broader analytical model for understanding shadow energy activities in the Niger Delta, as well as key stakeholders on the production-delivery continuum. Ordinarily, any analysis of a business enterprise or its operations should have as part of its focus a value chain; a mechanism by which inputs and outputs required for production activities are coordinated. However, since the enterprise framework does not envisage that, but rather simply articulated the economic rationale of entrepreneurship,

an integration of Porter's HOW dimension through the value-chain approach expands the scope of the discourse beyond a narrowly-conceived model of crime, at least theoretically. The enterprise spectrum approach emphasizes a chained network of operations, defining the organization of crime, relationships, and overlap among criminal entrepreneurs. Such interactions and overlap reinforce the significance of a value chain approach in the context of a robust theoretical and empirical investigation of a criminal enterprise. Similarly, the framework provides a broad level of analysis, focusing on criminal motivations, actors, mechanisms, practices, and their interconnectedness.

Needless to say, the context for the criminal enterprise in the Niger Delta and its sustaining infrastructure manifest deep-rooted socio-economic challenges. These challenges range from geography, security, and a history of conflict, which have combined to produce entrepreneurs in piracy and illicit business of oil and refined petroleum produce, as well as an atmosphere of disorderliness on land and sea. Its geography provides a haven for criminals and makes interdiction difficult. Governance in the region is weak, enabling and nourishing a wide network of criminals who operate within and outside of the region (Heinrich-Boll-Stifting & Regine Schoenberg, 2014). However, the vulnerability of the region in terms of its politics and political environment can be traced to its colonial history, corruption, and lack of capacity (Heinrich-Boll-Stifting & Regine Schoenberg, 2014).

The foregoing therefore argues that an alignment of enterprise and value-chain theories (enterprise-value chain framework) provides a novel and rich analytical tool for explaining the causes, course, dynamics, and recurrence of energy-maritime criminality, particularly the tripod of crude oil theft, petro-piracy, and illegal fuel trade in the GoG. The theory does not discountenance the reality of genuine grievances as motivations and explanatory factors for energy-maritime criminality. It also does appreciate the fragile and conflictual nature of the region and the context of its history concerning oil-related criminalities. That said, as the Niger Delta struggle and agitations evolved, so too have those agents- individuals, and institutions- whose interests it is to make a profit from a convoluted and disjointed situation by breaking into pipelines to scoop fuel, hijack fuel-laden vessels and indulge in diversion and illegal trade of petroleum produce both on land and high sea. What this means is that the emergence and lucrativeness of criminal enterprises are the consequences of a ready market for their goods and services. It is only rational to think that an organization will emerge to satisfy such demands and also make a profit. So, criminality is not only driven by criminal conspiracy but by opportunities created by the market.

### **Conclusion**

The Niger Delta corridor is defined by its delicate geography as much as the reality of energy-maritime threats. As it stands today, a mutually reinforcing relationship between the region's spatial context and its rich natural endowment has enabled an almost irreversible interaction of upper-world and underworld economic activities sustained by a multiplicity of diverse



individual and institutional actors. But much like the formal economy, the underworld segment of the economic pillar of the region is robust and lucrative and is deeply rooted. However, such a lucrative economic landscape has evolved from grievance-greed contestation which has justified the region's intractable hostility for several decades. Grievance-greed dichotomy soon got obliterated by the atrocious, primordial, and unbridled quest for resource expropriation, institutionalizing criminality and illicit entrepreneurship in its wake. Therefore, if anything has changed quite significantly in the Niger Delta region of Nigeria in the last two decades, it is the fact of the socio-economic and political philosophy underpinning shadow energy-maritime activities. Such a dramatic alteration is reinforced and complicated by wider chronic challenges of natural resource governance and corruption in Nigeria, creating a nest for criminal expropriation of natural resources, and nourishing the entrenchment of organised crime groups and illicit entrepreneurship in a fragile and susceptible energy-maritime domain.

### **Conclusion**

The Niger Delta corridor is characterised by its delicate geography and the persistent reality of energy-maritime threats. A mutually reinforcing relationship between the region's spatial landscape and its vast natural resources has created a nearly irreversible entanglement of upper-world and underworld economic activities, driven by a diverse array of individual and institutional actors. Much like the formal economy, the shadow economic segment is both robust and deeply embedded, thriving within a complex and lucrative landscape. Over time, what began as a grievance-greed contestation has given way to an unrestrained pursuit of resource expropriation, institutionalising criminality and illicit entrepreneurship throughout the region. In the past two decades, the most significant change in the Niger Delta is the transformation of the socio-economic and political philosophy driving shadow energy-maritime activities. This shift has been further reinforced and complicated by chronic challenges in natural resource governance and systemic corruption in Nigeria. These factors have created an environment conducive to the criminal expropriation of natural resources, entrenching organised crime and illicit entrepreneurship within a fragile and volatile energy-maritime domain.

### **Recommendations**

Therefore, addressing this complex and evolving landscape requires a multifaceted approach that not only tackles the root causes of criminality but also engages with the broader challenges of governance and resource management. Such efforts are essential to curb the growing influence of the shadow economy and promote peace and stability in the Niger Delta and beyond. Addressing corruption and improving governance in the region's energy and maritime sectors is essential. This could be achieved by implementing stricter regulations and transparent oversight mechanisms to curb illegal activities and reduce the space for organised crime. Also, enhancing the capacity of law enforcement agencies, particularly in coastal areas, and fostering regional cooperation among Gulf of Guinea countries is critical to tackling the menace of

maritime piracy and illicit oil activities. Furthermore, developing alternative livelihoods for local communities, coupled with increased investment in education and skills development, could mitigate the allure of the shadow economy. Initiatives should focus on reducing economic dependence on crude oil and promoting sustainable development. There is a greater need for international collaboration between Nigeria and others affected to combat illicit resource extraction and transnational organised crime. Collaborative efforts in intelligence sharing, capacity building, and maritime security would contribute to a more secure and stable region. Ultimately, the transformation of the Niger Delta's shadow energy-maritime economy requires a multi-faceted approach, integrating governance reforms, economic diversification, and enhanced security measures. Only by addressing the root causes of criminality and providing sustainable alternatives can the region begin to move toward peace and stability.

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