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Policy Brief

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TRANS-BORDER ECONOMIC CRIMES, ILLEGAL OIL BUNKERING AND ECONOMIC REFORMS IN NIGERIA¹

Dauda S. Garuba

Introduction

There are attempts to treat the democratization and economic reform processes in Nigeria as ‘one solitary couple’. These attempts are routed in the belief that no meaningful and truly participatory democratization can thrive in an environment of perverse economic demobilization of the greater majority. This is the sense in which Nigeria has been perpetually reforming, while a source has even described the process as ‘stunted.’² Dating back to the unfinished political transition of General Ibrahim Babangida regime (1986-1993) in which the Structural Adjustment Programme (SAP) represented an integral component, this phenomenon has again become the central issue in the reform agenda of the current civilian dispensation from former President Olusegun Obasanjo through late President Umaru Musa Yar’Adua and now President Goodluck Jonathan.³

Anchored on the global logic in which national cultures, economies and boundaries are dissolving to give vent to claims of an emergent transnational capitalist system, otherwise known as globalization, contemporary economic reforms in Nigeria elicit sweet and sour experiences with their increasingly daunting policies of

¹ Programme Coordinator, Revenue Watch Institute.

² See Alex Gillies, “Stunted Reform: The Political Economy of Oil Sector Governance in Nigeria”, unpublished doctoral degree thesis submitted to Centre for International Affairs, Cambridge University, Cambridge, 2010.

³ Abubakar Umar has argued, “there is nothing original about the present government’s economic reforms”. See Umar, Abubakar (2004) “I, an Opportunist? No Sir!”, as serialized in *The Guardian* [Lagos], from Friday, March 26 to Thursday, April 1.



liberalization and privatization, deregulation and other ancillary drives that climaxed in the virtual (or is it total?) withdrawal of subsidies from petroleum products and other social services (Olukoshi 1991; 1995, pp. 164-170). The situation, apart from failing to stem Nigeria's declining fortune and restore her economy back to the path of growth, has exacerbated the very crisis the reforms were billed to address (Garuba, 2006).

The result is that many people have lost confidence in the government's ability to deliver what is in the Nigerian political parlance referred to as 'dividends of democracy'.⁴ It is in the midst of this lamentable array of unfulfilled expectations, confusion, dislike and distrust for government that the people now see the former as the problem to be resolved, rather than the solution. Having watched 'smart' public office holders and their cronies defile all words of caution to lead a lifestyle of conspicuous consumption at the expense of promoting the interests of the greater majority, otherwise known as "common good", the people's resolve to avoid the state for their survival has snowballed into taking pastime in crimes in which illegal oil bunkering occupies a central place. Oil being the biggest single business in Nigeria, the trans-border character precipitated by its illegal bunkering is not only accentuated by the logic of globalization, but it is also portending serious implications and genuine concerns for the economic reform process in the country.

It is against the backdrop of the foregoing that it is both apt and imperative to give academic interest to the salient issues raised by the problem, with a view to situating them in proper context and proffering appropriate solutions to their negative impacts. The paper thus examines phenomenon of economic crime across borders and its specific character of illegal oil bunkering in Nigeria vis-à-vis the country's economic reform agenda. Among the questions the paper seeks to address are: What is the underlying linkage between trans-border economic crime and the phenomenon of globalization? What are its illegal oil bunkering characters? How are they reflected in Nigeria? To what extent has the economic reform agenda of in the country addressed them? What is the way forward to dealing with its undermining impacts for the Nigerian physical and economic security?

The paper is divided into six sections. The first section, an introductory part, attempts to contextualize Nigeria's economic reform within the rubrics of the unfinished political democratization agenda that started in the 1980s. The second part discusses trans-border economic crime within the context and linkage with the logic of globalization, while parts three and four attempt to locate Nigeria and the trans-border character of illegal oil bunkering in that linkage. Part five reviews the diverse attempts to reconnect Nigeria to prosperity via reforms, while the last section constructs way forward for the realization of the goal.

⁴ 'Dividend of democracy' attained popularity in Nigeria's political parlance since May 1999 Chief Olusegun Obasanjo first used it in his inaugural address as post-military rule president of Nigeria. The concept refers to the expected gains of the country's return to democratic governance.

The Primacy of Global Logic and Trans-border Economic Crimes: A Linkage

Emerging concerns in international studies points to the existence of a correlation between globalization and trans-border economic crimes. This, ideally, is understood in the growing tendency to discuss contemporary transnational events in the logic of globalization as a phenomenon describing the revolutionary structural changes in contemporary world of increasing interdependence and denationalization of clusters of political, economic and social activities in which people, capital, images, ideas and values enjoy free and speedy flow across collocated national boundaries (Hurrell and Woods 1995, p. 447; Ninsin 2000, p. 3). This grants recognition to a galloping information super-highway that condenses the world into a metaphor of “global village”. Whilst many had contended that globalization is not an entirely new phenomenon, except that it has only recently gathered momentum (Toyo 2000), several others are of the view that the phenomenon, in its contemporary sense, reflects a fundamental restructuring in the advanced capitalist West and the adjustment of the rest of the world to that restructuring (Amin 1990, Ould-Mey 1996, p. 1; Waters 1995, p. 4).

Whatever the differing positions on the phenomenon of globalization, its notion in liberal political economy sense represents a shift from *international* to *transnational* network of events in which liberalization policies in trade, investment and finance absorb national economies within larger regional and global networks to erode national sovereignty. Although typical realists would argue from a state-centric perspective that globalization does not transcend international political system of states, it is however necessary to appreciate that as the logic of time and space becomes sped up and condensed (respectively) to further the cause of denationalization or deterritorialization of boundaries, it will certainly undermine state sovereignty. In the given situation, the human use of the single international political economy, which globalization signifies its transition, has receded to the logic of thinking globally and acting locally (Levitt 1983, pp. 92-102; Isaak 1991, p. 8; Adams and Gupta 1996, p. 1). Added to this, the trans-border economic activities accentuated by the deterritorialization, which globalization depicts is “not only on global scale but from the public to private space” (Aronowitz as cited in Ninsin 2000, p. 3).

This marked shift from the public to private domains in the age of globalization has its dark side with specific reference to cross-border movement of people and trade, investment and finance that constitute the cutting edge of globalization. The underbelly is reflected in the increasing spread and sophistication of criminal networks and their nefarious trans-border economic activities. Mustapha (2004) captures this succinctly: “While the wave of economic globalization has given rise to increased internationalization of economic activities, it has equally opened the door for “global criminal economy” to flourish.”

This subjective dimension of globalization, beyond interlacing individuals and groups who are now increasingly aware (consciously or unconsciously) of the globalize world, provides the premise upon which the nexus between globalization and trans-border economic crimes finds easy comprehension.

Nigeria and the Global Criminal Economy

A growing international perception of associated criminality with Nigeria and its citizens demands investigation of the country within the global criminal economy and the criminogenic/perpetuity theory of crime.

Global Criminal Economy

There is growing awareness about the threat posed by transnational criminal activities to global economy. The sophisticated nature of the methods and techniques employed by criminal networks and groups involved in this 'business' confirms earlier concerns that "international criminal groups cooperate faster than states".⁵ Unlike the earlier situation where the phenomenon was the exclusive preserve of organized mafia-like groups that operated under strict laws, contemporary transnational criminals have successfully used proceeds generated from their nefarious activities to infiltrate many sectors, including trade and politics.

Among the fundamental features of the global criminal economy are smuggling of contraband goods and illegal immigrants, trafficking in weapons and human parts, drug trafficking, vehicle crime, trafficking of illegally exploited natural resources, including the illicit trade in timber, oil and diamond, among others. The common way by which the funds generated from these criminal acts are purified is money-laundering. While money-laundering may not entirely be a new phenomenon as it is dated into history, its contemporary explosion as a result of global upsurge in the trans-border criminal activities identified above has given it an image of a disturbing criminal enterprise (University of Exeter 2002). It is therefore not surprising that the self-serving principle of "see no evil, hear no evil" of international banking system has turned money-laundering a 'conveyor belt' for trans-border/transnational crimes. The renewed concern attached to its negative impact on global economy necessitated the first major concerted attention accorded global criminal economy at the World Ministerial Conference on Organized Transnational Crime in Naples, Italy, in 1994. Even though this attention gave vent to the signing of the convention and its two protocols as adopted by the UN General Assembly on 15 November, 2000, the increasing incidents of the practice continue to pose threat to global economy.

A study estimates funds involved in global money-laundering, much of which is gained from transnational crimes, at between 2% and 5% of world economic output, being dollar equivalent of between \$590 billion to \$1.5 trillion (Kligman, 2004). Also the international Organisation for Migration (IOM) estimates that roughly 700,000 women and children are trafficked across international borders annually (Binder, 2004). This revelation is of no mean implication, particularly post-socialist Eastern Europe where trans-border prostitution

⁵ Fikrat Mammadov, Azerbaijan Minister of Justice, made this statement at the High-Level Signing conference for the United Nations Convention on Transnational Crime held in Palermo, on 14 December, 2000.

and availability of cheap labour to wealthier Western European countries have become “an economic strategy to secure a higher living standard (Hughes, 2004). Justifying the existence of a relationship between poverty and transnational prostitution, Moldova and Ukraine, two of the prime source countries for commercial sex workers, share a gross national income (GNI) of \$460 and \$770 respectively, a sharp contrast to two destination countries of Czech Republic and Poland with \$5,560 and \$4,570 respectively (Kligman, 2004).

Apparently because of the huge financial benefits they attract, transnational organized criminal enterprises have evolved “extremely complex organizational structures” that foreclose them from the reach of state security and laws. Chinese Triads, the Colombia Cartels, the Japanese Yakuza and the Sicilian are a few of the well known transnational criminal enterprises by governments around the world. Several other bodies with home bases in the Caribbean, Central and Eastern Europe and West Africa have also received world attention, while a lesser scale evidence of such operation also exists in the UK. Similarly, a West-east movement of luxury cars theft in Germany and some other Western European countries has equally provided trans-border criminals with vast amounts of dirty or illegal money (Gilmore, 1999, p. 16). That these trans-border criminal groups conveniently escape national security and laws promulgated to combat their operations is a pointer to the level of sophistication of their methods and techniques. Is this the case in Nigeria?

Nigeria and Criminogenic/perpetuity theory of Crime Context

Using certain imponderable truths about the cause of crime and the magnitude of its pervasive culture in Nigeria, Patrick Igbinovia (2003, p. 29) alludes to the theory of criminogenic society to explain that “crime and delinquency in society are pervasive phenomena: a calling for the equal etiology that ours is a criminogenic culture and society”. A further explanation emerged from Igbinovia’s attempt to situate the specificity of crime wave in Nigeria within the context of perpetuity theory crime. This theory simply states (*inter alia*) that Perpetual General Association (PGA) with crime followed by Perpetual General Reinforcement (PGR) leads to Perpetual General Identification (PGI) with criminal patterns which in turn leads to Perpetual General Acceptance (PGA), with a net result of Perpetual General Culture of crime (Igbinovia 2003, p. 29). Without regard to the seemingly confusing words, what is easily discernible in this theory is that crime in Nigerian societies cannot be diagnosed as an independent, isolated phenomenon of the society, rather it is the result of a general social disruption in societal values “through intimate association and identification with criminal role models”. It is in this context that an exposition into Nigeria’s experience with crime finds appreciation.

The discourse about crime and its origin in Nigeria is one without end, given it ranging sophistication and the validity of the multiplicity of factors adduced. Ranging from the Nigerian Civil War (1967-1970) which provided the ground for arms proliferation, to increasing urbanization, poor leadership, ‘Nigerian factor’ (an alibi for why things don’t work in the country), widening gap between the “haves” and the “have-nots”,

conspiracy theory to criminalize Nigeria and its citizens, society's celebration of criminals and criminality, little or no genuine pursuit of criminal investigation and justice, the perverse character of criminality in Nigeria typifies the country as a criminogenic and crime-generating society. Therefore, it is no wonder that Igbinoia takes a swiping conclusion that there is "the criminal in all of us". While one disagrees with him that there is nobody's "...ox we have not taken". However, it is necessary to locate the conditions that fuel crimes and their trans-border dimensions in the country on the economic crisis of the 1980s, which SAP could not resolve. The crisis itself was the result of mismanagement of oil boom wealth, which had reversed Nigeria's earlier agricultural economic fortunes to that of an oil rentier state. The marked feature of this degeneration is revealed in the proportion of labour in agriculture which dropped from its 71% in 1960 to 54% in 1980, to culminate in the drastic fall in production of major cash crops (Karl 1997, p. 208). Such was the situation that agriculture which accounted for 63.3% of the country's Gross National Product (GNP) in 1962 fell to barely 5% in 2002 (Obiagwu, 2002, p. 8).

As oil raised the fiscal fortune of the country *a la* Arab-Israeli War of the early 1970s, excess savings soon translated into massive state expenditure that in turn became a nest for all sorts of corrupt practices and illegalities, while the molding of the country's frameworks for decision-making to facilitate the perpetuation of oil-led development resulted in the abolition/cut and/or complete neglect of non-oil taxes (Garuba, 2006).

The contradictions that attended the structural adjustment policies that were directed at remedying the situation did not only indicate a clear lack of the popular underpinning of its strategy in which government attempted to dictate the pace and the content. At the same time, it also threw up opportunity in which military leaders, and their cronies, pursued personal and selfish interests through official corruption and expansion of the realm of illegality. It was little wonder, therefore, that even before the eventual collapse of the 'hemmed in' reform process, to use the term of Callaghy and Ravenhill (1993), activities of illegal mode of survival had already crept into Nigeria's shadow economy with more than a thousand million dollars (equivalent of 15% of recorded government revenues) flowing to smuggling networks and confidence teams, majority of whom operated in connivance with highly place elites (Lewis, 1996, p. 97). Of this illicit trade, the country's fuels accounted for at least 10% of domestic consumption that flowed to regional neighbours.

Since 1980s, Nigeria has also remained a major trans-shipment point for heroine and cocaine going to South Asia and Latin America respectively; indeed the sophistication of the mafias' operations has reached the point that apprehended suspects have been discovered to swallow drugs in wraps with a view to excreting them at destination countries. Lewis (1996, p. 90) observes that while the country maintained a control of the trade under the protection of top military brass, the syndicates, who had gradually move their operations to third countries, laundered the proceeds from the trade through domestic banking system, in conformity with earlier alluded self-serving principle of "see no evil, hear no evil".

Apart from drugs, the circumvention of the formal economy via trafficking of contraband goods has also haunted local industries. At a pre-yearly general meeting with the media in Lagos in July 2004, Nigerian industrialists under the aegis of the Manufacturers Association of Nigeria (MAN) declared that the country lost \$6.3 billion (about N800 billion) to unwholesome trade practices of smuggling and product counterfeiting in 2003 (*The Guardian* [Lagos], Monday, July 5, 2004, p. 1 and 4).

Nigeria's border communities play a central role in the smuggling activities. While virtually all the routes they are located predate present-day artificial boundaries created by colonialism, the desperation to de-link from a distrusted and disliked system which the Nigerian economy came to symbolize turned such border communities as Jibia in Katsina State, Kiisi in Oyo State, Idiroko in Ogun State, Bakassi in Cross River State, Badagry in Lagos State and Bama in Borno State, into informal centers for substitute exchange relations (Garuba, 2006). The neglect of these communities by various tiers of government over the years, which led to their underdevelopment has not only made them transcend international boundaries to boost what Bratton (1996:245), Chazan (1996:270) and Mackenzie (1992:6) dubbed as "second", "parallel", "informal", "underground", "black" or "irregular" economic centers; but it has also 'transformed' them into sites for global criminal economy smuggling routes. There have also been marked features of those criminal routes in Nigeria waterways where up to half of pirate attacks around the world take place. Despite the global fall in the number of attacks in 2004, Nigeria's figure doubled the number of casualties recorded in other hot spots around the world, including Vietnam, Bangladesh and the Philippines (*The Guardian* [Lagos], Tuesday, July 27, 2004, P.96).

As it is in sea piracy, so it is in the area of trafficking of children and women where the increasing desperation to leave Nigeria, to secure higher living standard, has put Libya and Morocco under severe trans-border security threats by young Nigerians, especially of Edo stock.⁶

This is also the context in which an extensive web of international commercial fraud otherwise known as '419', found expression in the country. Owing its popularity to the worsening economic crisis that reached the beginning of a climax in the 1980s, '419' takes its name from Nigeria's criminal code on fraud. It is difficult to ascribe a specific stereotype mode of operation to the dozen of small groups and independent operators involved in the 'business' that has expanded into internet scam, as their activities do not only take a variety of guises ranging from "seemingly legitimate business solicitations" to "illicit proposition for collusion in money-laundering." But whatever method or technique employed, what remains common to all of its operations is that its consequences often range from "financial loses to instances of kidnapping, extortion

⁶ News of deportation of Nigerians as illegal aliens from Western Europe and other parts of the world are a common staple for the media in Nigeria. They are often regarded as having travelled out in search of 'greener pasture'.

and death” (Lewis, 1996:90).

As denting as the image it gives Nigeria, emerging revelations point to the fact that many of the victims of ‘419’ are either criminals themselves or sheer greedy people of dubious intentions, given their culpability to the crime committed. Nonetheless, this does not rationalize the kind of official toleration they enjoyed, to the extent that portrayed Nigeria in bad image. Not even the face of Africa project and its succeeding “re-branding” have redeemed the country’s image.

The Trans-border Crime of Illegal Oil Bunkering

There is a sense in which trans-border criminal activities around (illegal) oil bunkering seeks an understanding, and this is located in the contextual significance of the political economy of oil. A global view of this significance is succinctly painted by Feyide (1986:7):

Oil is a raw material as well as a convenient and effective source of energy. All over the world the lives of people are affected, and the destinies of nations are probably determined, by the results of oil industry operations. Oil keeps the factories of the industrialized countries working and provides the revenues, which enable oil exporters to execute national economic development plans. Those developing countries that have no oil are faced with a grim struggle for survival: if they lose they are relegated to the “fourth world”. The march of progress would be retarded and life itself could become unbearable if the world was deprived of oil. That is why oil has become the concerns of governments, a vital ingredient of their policies and a crucial factor in their political and diplomatic strategies.... Inspired by sensational disclosures and revelations of alleged machinations in the corridors and inner chambers of oil empires, oil has been given the image of a big business ruled by naked politics and dominated by ruthless men who are insensitive to nothing except their profit.

This global picture of the significance of oil enunciated by Feyide, apart from clearly explaining the premise for the linkage between the mineral resource and the Nigerian State, it also accounts for the significant status the latter occupies in the country’s political economy. Oil displaced agriculture from its top revenue yielding position barely a decade after independence to the point of now accounting for over 85% of national revenue and 90% of foreign exchange earnings (Garuba, 2003). This sudden descend of the country into the class of ‘*rentier states*’, dubbed as such by its virtual position as mere collector of rents from multinational companies, points to the linkage between oil and state and the basis for which the latter has become a contested terrain, as well as the chief mediator of the various social processes and clearages within the system (international IDEA 2001:243; Obi, 1999:12). The observed leakages in Nigeria’s case confirms the thesis by Migdal (1994) and Chazan et al (1992:41) that a state’s capacity to secure full control over its people and resources is dependent on the reality of the concrete interests it reflects and manages. It is in this context that illegal oil bunkering seeks an understanding.

While “bunkering” is the term used to describe the process of filling up a ship with oil (or coal), its illegality, which is an euphemism for theft (Human Rights Watch 2003:17), is premised on the constitutional provision that the ownership and control of all minerals and mineral oil, in, under and upon any land, and of rivers, streams and watercourses in Nigeria are vested in the federal government (see Section 44(3) of the 1999 Constitution of the Federal Republic of Nigeria as originated in the 1946 Mineral Ordinance).

The upsurge noticed in contemporary illegal oil bunkering started attracting public knowledge during the Babangida regime (1986–1993) when crude oil and its refined products (specifically petrol) became the domain of senior military officers and their civilian cronies. From the initial opportunity provided by domestic subsidy and devaluation of the Nigeria Naira during which legally lifted products were diverted to more profitable markets of *Communaute financiere africaine* (CFA) Franc States under arrangement and cover of government officials, illegal oil bunkering in Nigeria took firm roots with the discrete cooperation of oil companies workers who operated at oil wellheads or allowed access to them. The bunkerers “tap directly into pipelines away from oil company facilities, and connect from the pipelines to barges that are hidden in small creeks with mangrove forest cover” (Human Rights Watch 2003:19).

The scramble for illegal money accruable from this business grew alarmingly among top military brass who became increasingly “preoccupied with bolstering their assets and securing perks for the middle ranks” in anticipation of disengagement from service (Lewis, 1999:94). The business whose trans-border character soon expanded beyond Franc states of West Africa and Cameroon kept a rising tempo with operational sophistication and dexterity that make the competence of Nigeria’s police and navy pale into insignificance; though they are often fingered as accomplices.

The business of oil bunkering is as opaque and murky as the many gaps in analysts’ knowledge of its operations (Asuni 2009:4). However, information gathered from the field, and also confirmed by a recent study by Asuni (2009:4-5) reveal three types of illegal bunkering: (1) a minor and small-scale pilfering of condensate and petroleum product destined local market; (2) direct hacking into pipelines or tapping with a hose from wellhead through practical removal of the ‘Christmas tree’; and (3) excess lifting of crude oil beyond the licensed amount, using forged bills of lading. While the first is less significant in that it is conducted by local people who hide under the cover of violence in the Niger Delta region, the second category brings more technical sophistication into the business with the stolen product placed in small barges and taken straight into the sea where it is loaded into larger barges (mother ships) in return for money and weapons used to fuel violence, while the last category speaks solely about a spoilt system facilitated by official corruption in that it involves the use of forged bills of lading, “issued by a carrier to a shipper, listing and acknowledging receipt of goods for transport and specifying terms of delivery.” (Asuni 2009:5). Apart from its economic loss, negation of investment onshore exploration and production, security risks and damage to equipment, illegal

oil bunkering fuels conflict and militancy through increased armed proliferations and drug abuse which have destabilized the Niger Delta region.

The complexity of the business of illegal oil bunkering is also illustrated by its sheer number of players. While Niger Delta youth may handle the local tapping and loading, international syndicates from Eastern Europe, Russia, Australia, Lebanon, the Netherlands and France (including new entrants like Filipinos and Ghanaians) all play roles in financing, transporting, and laundering the money associated from the business. Thus, as it was during military era, the high and mighty in the military, police and civilians in the rung of government have taken this dirty, but highly lucrative, business as a regular pasture. Of particular interest is the manner in which impounded vessels used for illegal bunkering (such as the case of MT African Pride in 2004) often mysteriously vanish from police custody to reinforced credence to rumours that high-ranking Nigerian officials are involved in oil smuggling. In November 2004, three high-ranking Nigerian naval officials were dismissed and charged over complicity in illegal bunkering and for facilitating vessels' disappearance.⁷ Another source accuses the JTF under the command of soldiers as feeding fat on oil bunkering. A 2008 report conducted by IRIN quoted a member of the Waterways Security Committee – a government-run body investigating kidnapping in the Niger Delta – as saying that some members of the military moonlight for the criminal gangs or rebel groups, “if the price is right.” The member was reported to add that:

The soldiers are deeply involved. There is no bunkering activity that is taking place in the Niger Delta that the military is not involved in.... Eighty percent of soldiers in the region own the best cars – these are people who did not own a motorcycle before coming to the Delta. (IRIN, 2008)

Official report of an inquest into the unprecedented vandalization of oil pipelines, disruption, kidnappings, extortion and a general state of insecurity in the Niger Delta confirms that “a major threat to oil industry... arises from the activities of a ‘cartel or mafia’, composed of highly placed and powerful individuals within the society, who run a network of agents to steal crude oil and finished produce from pipelines in the Niger Delta region” (See Human Rights Watch 2003:19). This explains the basis upon which security sources

⁷ See Katharine Houreld, “Oiling the wheels of death”, *The Guardian*, Wednesday 17 November 2004, p13 Jacques Lhuillery, “Petrol-bunkering scandal rattles Nigeria”, *Mail and Guardian Online*, available at: <http://www.mg.co.za/article/2007-07-29-petro-bunkering-scandal-rattles-nigeria>; Alex Gillies, “Reforming Corruption out of Oil”, *4UBrief*, Chr Michelsen Institute, February 2009 – No.2, p.3; “Retired Generals Engage Nigeria in Oil Bunkering War”, posted March 27, 2009 at: <http://www.africanloft.com/retired-military-generals-engage-nigeria-in-oil-bunkering-war/>

claim that control of the bunkering routes, rather than politics around familiar agitations, is responsible for much of the unrest in the Niger Delta region, particularly in more volatile states of Bayelsa, Delta and Rivers. When sustained at a measured level such that will not close down oil production completely, conflicts in the Niger Delta clear the creeks of other traffic to lubricate the engine of illegal oil bunkering. What it takes the well organized syndicated crime gangs involved in the business to sustain the flow of the commodity is to plug back a part of the proceeds from the stolen crude oil into weapon acquisition to fan the conflicts.

Apart from outright insecurity that the foregoing situation poses to the Niger Delta region and the entire country, the huge profit of the illegal private business also translates into incalculable loss to the Nigerian state which owns 55% in the joint venture with Shell Petroleum Development Company (SPDC), TotalFinaElf and Agip – the direct victims of criminality.

Based on the earlier recounted knowledge of global political economy of oil and the fact that the stolen crude enjoys spot-market without capital cost, there is no gainsaying the fact that illegal oil bunkering is conveniently the most profitable private business in present day Nigeria, with criminals involving Nigerians, Senegalese, Togolese, Ivorians, Beninois, Ghanaians, Georgians, Poles, Russians, Romanians and Sri Lankans. Nothing other than the cross-current of change necessitated by globalization and its galloping information super-highway have well expanded this network of criminal without borders. The result is that oil bunkering has transcended being a solely Nigerian problem to be that of the entire Gulf of Guinea (Obasi, 2010).

Although some wide differentials exist in the diverse figures often bandied around as estimated loss of the Nigerian government to illegal oil bunkering, Human Rights Watch (2003:17) figures of between 150,000 and 200,000 barrels per day (bpd), subject to fluctuations occasioned by periodic efforts at effective policing of riverine areas where the stealing is taking place, is worth granting acceptance because it is a product of academic research. Thus, the 150,000 barrels per day, when sold at around \$10 to \$15 per barrel (given the level of discount owed to its illegitimate origin) sums \$2million to \$3million daily and \$750million to \$1billion annually (Human Rights Watch, 2003:18).

Table I below presents a more graphic picture of what Nigeria has lost to illegal oil bunkering between January 2000 and September 2008.

Table I: Estimated value of Nigeria's stolen and shut-in oil production, January 2000–September 2008

Year	Average price of Bonny Light per barrel (in USD)	Volume of oil stolen per day (in barrels)	Value of oil stolen per annum (in USD)	Volume of oil shut-in per day (in barrels)	Value of oil shut-in per annum (in USD)	Total value of oil stolen or shut-in per annum (in USD)
2000	28.49	140,000	1.5 billion	250,000	2.6 billion	4.1 billion
2001	24.50	724,171	6.5 billion	200,000	1.8 billion	8.3 billion
2002	25.15	699,763	6.5 billion	370,000	3.4 billion	9.9 billion
2003	28.76	300,000	3.2 billion	350,000	3.7 billion	6.9 billion
2004	38.27	300,000	4.2 billion	230,000	3.2 billion	6.4 billion
2005	55.67	250,000	5.1 billion	180,000	3.7 billion	8.8 billion
2006	66.84	100,000	2.4 billion	600,000	14.6 billion	17.0 billion
2007	75.14	100,000	2.7 billion	600,000	16.5 billion	19.2 billion
2008	115.81	150,000	6.3 billion	650,000	27.5 billion	33.8 billion

Source: Judith Burdin Asuni, “Blood Oil in the Niger Delta”, *Special Report 229*, United States Institute for Peace, Washington, D.C., 2009, p.6.

A more recent account puts the loss of Nigerian government to illegal oil bunkering at \$7.7 billion daily. This is calculated based on estimated US\$7.7million on every 100,000 barrels loss per day (Opara, 2010).

From the above, it is obvious there is the challenge of arriving at agreeable figures of what is the real monetary cost of bunkering. However, with all regards to the remark by former Presidential Adviser on Petroleum and Energy matters, Dr. Desmond Daukoru, that crude oil theft is one of the two ways (the other being communal unrest) by which Nigeria has lost \$30billion between 1999 and 2003, what this loss meant, indirectly, is reduction in the financial ability of the government to meet people-oriented programmes, including funding of peace initiatives in the crisis-prone Niger Delta region. This is the context the on-going reforms can be assessed.

Reconnecting to ‘Prosperity’ via Reforms

Oil is responsible for regime decay in Nigeria (Onwudiwe, 2003, p. 19). The country being a petro-state with under-developing complexities, the reckless politics around oil is not only reflected in the squabbles for control of its business which have manifested in coups, prolong military rule, state and local government creation, inordinate political ambition and election rigging, to mention but a few (Garuba, 2003), but it is also responsible for its illegal bunkering and trans-border smuggling by ever-increasing and ever-expanding criminal networks that are aided by contemporary logic of globalization as dictated in new communication and transportation technologies, as well as informal cross-border linkages. The leakage this distortion portends, particularly with respect to the negative impact on the dwindling revenue profile of the country, forms the basis upon which the on-going combative measures form an integral part of president Obasanjo economic reform process.

While an analysis of contemporary economic reforms would reveal that nothing entirely makes them different from those of SAP, there is however something unique about the seeming political will with which present efforts are being undertaken. From the SAP era up to contemporary times, the reform agenda in Nigeria has been about: adoption of a realistic currency exchange rate policy; adoption of policy measures to stimulate domestic production and broaden the supply base of the economy required for reducing the dependence on oil; strengthening of demand management policies and restructuring of the tariff system to boost industrial growth and diversification of the economy; removal of complex administrative controls (e.g. import licensing) and adoption of appropriate pricing policies of goods and services (including subsidies from petroleum products and social services such as education, health, communication and transportation) to allow market forces of demand and supply to regulate the allocation of resources; rationalization of public enterprises through divestment, commercialization and privatization; and drastic reduction of the external debt burden through debt rescheduling and strategies of debt equity swapping and promotion of capital inflow through foreign direct investment (FDI). Not even the diminished legitimacy which the widely rigged 2003 and 2007 general elections nor the failed attempt by former President Obasanjo to seek unconstitutional tenure elongation through what became known as the *third term agenda* has completely altered the ferocity with which the reforms lasting from 1999 to date were prosecuted in Nigeria.

As part of the present economic reform process which included banking reforms, privatization and/or public/private partnership, deregulation of the telecommunication and oil sector as well as other ancillary drives (including monetisation of benefits in public service) that are targeted at meeting the needs of the global capitalist economic development and increase in government revenue base, the central focus of contemporary move against trans-border economic crimes and its illegal oil bunkering character can be located within the National Economic Empowerment and Development Strategy (NEEDS). intended to raise the country's Gross Domestic Product (GDP) by 5% annually via a leaner and more efficient government with required

capacity to positively redirect law and order, infrastructural development and investment in basic social services. With this private sector-driven goal in mind, the reformers appear to show a clear understating that the globalize effects of a market-driven economy can only advance under conditions of geopolitical stability that are capable of blocking observed leakages in the system; even though they are yet to convince Nigerians that these reforms are different from those of the failed SAP.

Be that as it may, the growing unpopularity of the reforms has not diminished the significance to the central focus of the war against trans-border crimes and its character of illegal oil bunkering in Nigeria. This has manifested in series of arrest and detention of suspected ships, crewmembers and stolen crude oil or petroleum products through on-going *Operation Safety Value* launched by the navy, including the seizure of over 19 vessels used for illegal bunkering operations between January and July 2003, with another 4 ships and a number of persons including 10 foreigners (Senegalese, Burkinabes, Togolese, Ivorians and Beninios) arrested for oil smuggling in the month of August (Human Rights Watch, 2003:19). Also, 38 persons, including 5 Ghanaians, were arrested aboard 2 ships carrying 10,000 tones of illegally bunkered Nigerian crude in March 2004. The figure, which brings to 82 the number of suspects arrested over the same offence between October 2003 and March 2004, included 18 Russians, 15 Poles, 4 Romanians, 3 Ghanaians, 2 Sri Lankans, 2 Georgians and 38 Nigerians with a combination of tens of thousands metric tones of stolen crude oil valuing hundred of million dollars. (*The Guardian* [Lagos], Wednesday, October 22, 2003, pp. 1-2; *The Tuesday*, March 23, 2004, p. 96). The arrest in March 2004 of *MT Destiny* and *MT Jimoh* turned in 25 and 13 crewmembers respectively. More recent cases of arrest of illegal oil bunkerers include 14 Filipinos in July 2008, six Ghanaians in February 2009 and four Nigerians in October 2009 (Amaize, 2008; Vanguard, 2009; James, 2009). While virtually all the arrests were made off the coast of the Niger Delta, Forcados Rivers, Escravos, Benin River, Dodo River and Lagos Offshore Base, some others have also been made on the high sea.

Reorganization in customs and immigration services by the government has also produced some results from the angles of air- and seaports and land-borders. Though incessant incidents of trans-border armed robbery (such as the networks of *Shina Rambo* and *Hammani Tidjani*) and proliferation of arms and drug trafficking operations that now endanger Nigeria's national security have been largely responsible for this, its relative check on the pocket cases of graft in ports and land-borders where opportunities provide by ECOWAS protocol on free movement of people and trade are criminally exploited have also yielded some fruitful results of the reforms. The country has equally taken some hard and soft measures to stem the undue exploitation of the ECOWAS Protocol. Among the measures were the closure of her borders with Republic of Benin to get the latter to agree to some terms – including establishment of joint border patrol team – before a re-opening, and the signing of contracts to supply petroleum products to neighbouring countries (e.g. supply

of 30,000 bpd to Cote d'Ivoire).

The Nigerian government has also adopted the carrot and stick approach in dealing with the challenges of illegal oil bunkering in Nigeria. On the carrot side, the government under President Yar'Adua granted amnesty to all militants in the Niger Delta (including those detained or under trial) to surrender their arms and sign an undertaking not to return to the creeks. The stick approach involves occasional military bombardment of areas suspected of militancy and illegal bunkering operations. The bombardment of such Ijaw communities like Gbaramatu, Oporoza, Kunukunuma, Okerenkoko and Kurutie in Delta State suspected to militants' hideouts in May 2006 was part of the stick approach. While the idea of government's Amnesty programme for militants predates this bombardment, the vociferous push for its implementation actually gained serious momentum afterward.

Through international collaboration, the Nigerian government has also adopted the diplomatic option of getting the international community to help combat illegal oil bunkering. This was demonstrated in late President's Yar'Adua's appeal to the G8 group in 2008:

I appeal to you and through you to all other G8 leaders to support my new proposal which I will also discuss with UN Secretary General at my meeting with him, that stolen crude should be treated like stolen diamonds because they both generate blood money. Like what is now known as "blood diamond", stolen crude also aids corruption and violence and can provoke war. (Olajide, 2008)

In spite of this hot chase of illegal oil bunkerers which has been further boosted with the provision of new speed boats and refurbished old ones for the newly resuscitated Marine Police, the syndicates have refused to give up their nefarious activities, thus prompting curiosities and accusations that the government is not proactive enough in her efforts at redressing the problem. Emerging investigation reveals that Nigeria lacks what it takes (in terms of equipment and manpower training) to effectively police the entire area of her maritime jurisdiction (12 nautical miles) as contained in the United Nations Law of the Sea Convention of 1982.

Also, Nigeria has facilitated the Gulf of Guinea Energy Security Commission since 2004/05 involving the active support of the US and the UK, but not much of a strong follow-up has been seen on the part of the country. Instead, it continue to seek supply of more equipment for surveillance of the coastal territories, while it is continuously believed that the country is providing little or no feedback on equipment earlier supplied.⁸ It is also reported that the US has consistently demonstrated its willingness to offer Nigeria technology for electronic bills of lading, but that this has not received any concrete response from the Nigeria government (Asuni 2009:9), while efforts to meet Nigeria's requested for assistance about the Niger Delta question which

⁸ This refers to use of radar sonar infrared offered by the US to monitor ships in Nigeria coastal waters.

saw the posting of four advisers to the office of the Vice President did not yield any result as the advisers allegedly left in frustration as six months of being kept in the dark about access to people and information they need for work. (Ibid).

It is adduced that apart from initial celebration of cases of arrest in the media, very little or nothing is heard about what eventually happened to arrested cargoes and suspects, as successful prosecutions are least undertaken. If anything, this grants credibility to the bandied explanation that the real capons behind the big business of illegal oil bunkering are untouchable top serving and retired military and police officers and civilians at the highest rung of the ruling government (Ijuye-Dagogo 2004:5; Human Rights Watch 2003:20). Whatever the above is supposed to insinuate, it is no doubt a pointer to the fact that there is yet no end in sight to the single profitable private business of illegal oil bunkering in Nigeria; hence the need for suggestions that work.

Conclusion: Constructing the Way Forward

The shock precipitated by the glut in the international oil market in early 1980s forced the adoption of various austerity and stabilization measures on Nigeria, whose political economy had been reconfigured from its earlier agricultural status along a monocultural line dictated by oil. The stalemate which resulted from the refusal by the Buhari-Idiagbon regime to accede to the Bretton Wood institutions' proposed reform agenda for the country soon gave way to a comprehensive economic reform process (otherwise known as SAP) that became an integral component of the political transition programme of the succeeding Babangida regime.

Apart from reflecting a deeper shift in the political foundations of economic management, the eventual collapse of the painful SAP reforms was reflected in several characteristics, among which was the circumvention of the formal economy and the expansion of the realm of illegal economic activities across borders. These activities which as applicable to Nigeria were manifested in smuggling of contraband goods, drug and human trafficking and large scale diversion/smuggling of petroleum products and illegally bunkered oil, soon transcended the traditional involvement of West African nationals (courtesy of ECOWAS protocol on free movement of people and trade) to incorporate other distant nationals who, in the logic of globalization, now enjoy the removal of continental and transnational barriers separating criminals.

The whopping revenue decline that their activities cause the Nigerian government necessitated the need to combat the vice as an integral component of the economic reform process intended to reconnect the country to 'prosperity' via global capitalist economy. While the government seems unwavering on its commitment to end illegal oil bunkering business with the Nigerian Navy and Marine Police making more arrests of suspected criminals and their stolen crude, the refusal by the syndicates not to give up the ever-increasing and ever-expanding activities, and the non-transparent and half-hearted manner arrested suspects and recovered

cargoes are handled (a situation that gives credence to the rumour that the real capons are untouchable), portray the government as not proactive enough in the country's war against illegal oil bunkering.

Thus, to attain the desired objective of checking the economic threats illegal oil bunkering posed to Nigeria, there is the first need for the government to articulate its on-going reforms as a coordinated programme. The manner in which the case of the war against illegal oil bunkering is going, especially with respect to the ill-equipping of the Navy and Marine Police and the delay and non-transparent manner investigation and prosecution of suspects are conducted, suggests that there is the dearth of a comprehensively articulated reform programme to engage the trans-border criminal networks traversing land, air and waters.

Secondly, there is the urgent need to address the Niger Delta question, particularly its sheer character of poverty, environmental degradation and underdevelopment. All over the world governments exist for the benefit of the people. The moment this ceases to be the case, the essence of government is defeated. Nigeria cannot afford to go the way of failed states that Liberia, Sierra Leone, Rwanda and DRC have had to thread.

Thirdly, there is the urgent need for the government, as a matter of priority, to acquire modern equipment and training for its naval personnel to guarantee their effective policing of Nigeria's 84,000 square nautical miles waters. The usefulness of this suggestion transcends illegal oil bunkering to include all other matters of national security. This brings one to the need to establish a process that will enable the procurement of naval clearance for ships departing Nigerian waters. Instances have been alleged where in the desperation to excite the 'master', the Navy and Marine police unnecessarily exhibit overzealousness while discharging their duties. With due training and enlightenment, these law enforcement agents would appreciate that their duty to protect the Nigerian economy from activities of illegal oil bunkerers will be well served if it is balanced with respect and preservation of the fundamental human rights of suspects.

Equally important is the need to urgently look into the possibility of implementing SPDC's proposal for "certification of oil exports, based on chemical fingerprinting of crude oil". Such process, as devised, is not only capable of preventing the selling of stolen crude from open market, it will also enable law enforcement agents "trace oil to individual flow stations and even individuals wells" (Igbokwe 2004:42; Human Rights Watch 2003:21).

Finally, while the hard measure of closing borders to neighbouring countries accused of tacitly supporting illegal oil bunkering and other trans-border crimes in Nigeria may achieve a core national security objective, it does not necessarily meet a long-term solution. In fact, there is a possibility of it being converted into another avenue for corrupt practices by government officials, especially those in customs and immigration services. It is against this backdrop that the need to strengthen existing joint border control commissions with neighbouring countries (i.e. Niger, Chad, Republic of Benin and Cameroun) to fight trans-border crimes is hereby advocated. The country should borrow a leaf from the *Southeast European Cooperative Initiative*

(SECI) Regional Centre for Combating Trans-border Crime formed by the 12 states of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Serbia and Montenegro, Slovenia and Turkey that is currently yielding fruitful results. Apart from a potential to foster mutual respect between Nigeria and its neighbours who currently maintain blind eye to these nefarious activities because they benefit from it, the measure will also strengthen the ECOWAS Protocol on free movement of people and trade and the moribund Gulf of Guinea Energy Security Strategy without undermining the overall interests of Nigeria's economic reforms.

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