



## Petroleum Industry Act of Nigeria: Looking at Challenges from a Sociological Theoretical Perspective

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**Abstract.** This paper reviews the Petroleum Industry Act 2021 with a view to highlighting the inherent challenges that may ultimately constrain the effective implementation. It x-rays the problems using the frame work of a sociological theoretical perspective. The paper viewed these envisaged latent inhibitions of the implementation basically in terms of internal and external factors. The issues of Dependency status in a world system and corruption of the local political elites were particularly focused. Suggestions were also provided as a way out in this direction.

**Keywords:** Petroleum, Industry act, Corruption, Dependency status

### 1. Background /Introduction

This paper looks at the potential and inherent challenges laid before the Petroleum Industry Act (PIA) of Nigeria. The Act which was recently passed by the former President Muhammadu Buhari's administration, to many, has a lot of prospects and to others faced with potential detrimental constraints and barriers. The success of any national policy and project is often of concern to stake holders and citizens, hence, focus is necessarily given to it by this work.

### 2. Profiling the Oil Industry in Nigeria

Throwing us back to some important dates in inception in the exploration of oil in Nigeria is of significance. The commercial exploration of oil in Nigeria did not take off till after Shell D' Archy (a forerunner of Shell Petroleum Development Company) was licensed in 1938 (Igbinovia 2014). Shell D' Archy by 1956 had discovered the maiden oil field at Oloibiri in present day Bayelsa state of Nigeria. This culminated in the first oil export that same year. It is also important to note that the first oil shipment was carried out by Shell D'Archy on the 17<sup>th</sup> of February 1958 (ibid;29). It was not until October 1965 Nigeria could commission its first Oil

Refinery in Port Harcourt. This was with the support and efforts by Shell BP. Ever since, crude oil exploration and exportation has been on the increase with Nigeria currently about the sixth largest oil exporter in the world. Not only that, oil has pleasantly arguably come to the rescue of the Nigerian nation over the years spanning more than five decades. The common knowledge is that oil revenue accounts for a critical share of public revenue in Nigeria and that impacts accruing from oil revenue appears to have a significant ramification on national planning, public sector budgets, public sector interventions in the markets and most importantly in the country's socio-economic performance (Taiwo, 2013). Coming to specifics, oil revenue has continued to be the main stay and backbone of the Nigeria economy contributing on the average about 20% of the country's GDP and 65% of the country's budgetary revenue (CIA, 2007). In fact, oil revenue donates about 95% of the country's export earnings and about 90% of the its foreign exchange earnings. Even with the upheavals and fluctuations experienced in recent years within and without the oil industry in Nigeria, oil still remains the major source of revenue for financing most of the Federal government's programmes, projects and sundry activities. This naturally partially informs the rational for the crafting/drafting of a much-desired Petroleum Industry Bill by the government of Nigeria and was eventually signed into an Act just towards the twilight of the former President Muhammadu Buhari's administration. As hinted earlier, this paper presentation is primarily meant to deal with the issues regarding the new Petroleum Industry Act specifically focusing on the challenges that are envisaged in the course of its implementation and in terms of practice.

### 3. Petroleum Industry Act of Nigeria and its Attendant Challenges

The Petroleum Industry Act of Nigeria which was recently assented to by former President Buhari in

2021 no doubt holds far reaching prospects for the country. It is seen by industry experts as a bill that will help turn around the Nigeria oil industry for good especially as the sector is more than ever before expected to perform better to fund the ever growing expenditure of the Federal government of Nigeria.

The Act which replaces the existing Petroleum Act of Nigeria, aims basically to provide legal governance, regulatory and fiscal framework for Nigerian Petroleum Industry. Key areas of the PIA includes – General overview and Implication; Energy transition and the future of energy; Upstream operations; Marginal field operations and local content development; Midstream operations (liquid oil/refining); Downstream and services; Implications for the gas sector; Host community relations, sustainability and the environment; Investment and competitiveness; Deals mergers and acquisition; Monetary and fiscal implications; Banking, finance and Insurance; Financial reporting, valuations and Audit; Transfer pricing; Transition and implementation; and Dispute resolution (Official Gazette of the PIA, 2021). It is projected to reform the industry while helping to boost the latent fortune accruable from the oil deposit in the country in the bid to surpass its current capacity. In fact, it is the expectation of government and other state actors that if properly executed the PIA will help facilitate the Nigeria's economic development more than before by attracting and creating investment opportunities for local and international investors.

Nice and good as this seems, but the question need to be asked, how possible will it be for the PIA to achieve its set and projected aims seamlessly? There is the need for stakeholders and critical thinkers to look deep and excavate entrenched challenges that have the potentials of constraining the good ideals of the Act in a contemporary world system. It will do us a lot of good to quickly point out and agree that the PIA Act faces a lot of challenges so that stake holders should do well to be circumspect and be aware of what awaits all. In this work, the challenges envisaged have been sectionalised into three categories. These are (1) internal, (2) external and (3) other factors. As a quick one, we should be hinted that all of these categories of challenge that will be reviewed here are seen from the dependency perspective. In other words, most potential problems which bedevil the success or other wise of national policies and development efforts in most third world countries including Nigeria could be argued to be fall outs fundamentally of underdevelopment dependency status of such countries.

#### **4. Looking Specifically at the Internal Issues/Challenges**

The internal issues that may hinder the effective implementation of the PIA 2021 could be in the following areas (i) corruption of the political class and bureaucrats (ii) lack of political will on the part of the political class.

##### **4.1 Corruption of the Political Class and Bureaucrats**

The expectations of the Act which are great and positive may likely be cut short by the action and inaction of the country's political actors who will always put their personal interest above that of the collectivity of the entire country. The political class which is often argued to be corrupt may once again frustrate the Act as they appear to have done with the previous acts and other important national policies, when this is to be operationalized. Politicians are often seen to rather preoccupy themselves with looting public funds and assets rather than commit to altruist and selfless service for the interest of the nation whenever they found themselves in public offices. Having an unfettered access to the oil money is argued to be the main target of many of them when they aspire to political offices. And many have demonstrated this with the way and manner they have helped mismanage the oil revenue with billions of dollars accruing from oil often diverted into private pockets. The narrative of the trajectory of the oil industry in Nigeria is replete with lack of accountability with regards to the huge revenue that has accrued over the years.

Politicians in Nigeria are in the practice of allocating or appropriating oil wells to themselves even when they do not have the requisite technical and commercial capacity to drill the crude thereby shortchanging the country. The process of this allocation is also often argued to be shrouded in malpractices and dishonesty. As usual, corrupt politicians are ready to sacrifice the ideals of the PIA on the altar of greed, self-aggrandizement, and perpetual hold on their political office. This is easy for them to do because though they are responsible for initiating the bill/act, they also possess the powers to manipulate it to serve their self-interest as the policy makers and implementers. Therefore, it will be very easy for the political elite to rubbish and make a mess of the good intentions of the Act. One key area of the PIA is that which borders on community relations as noted above. But experience has shown that the political class which seems not to have changed in their attitude have burgled efforts to create a peaceful environment for oil investors and their activities to thrive in the past. We are still very much fresh with the memory of how the country's politicians hijacked the amnesty programme initiated by government (the same politicians) for the purpose of making the local people fill the

impact of benefits from the crude oil drilled from their local environment. The original intention was to create a peaceful and conducive atmosphere within the industry. It appears that because the politicians who were not supposed to benefit directly from the programme did not fully have their way, they have to abandon the successful implementation of the project there by rubbing the inherent ideals of the programme as thought from the outset when it was proposed. The implication of this is that cases of youth restiveness and unfriendly community disposition leading to oil pipeline vandalism and bunkering remain a common place especially in the Niger Delta region where most of the drilling activities are done (see, Igbinovia, 2014). This unfortunate incidence no doubt has largely affected the oil revenue expected by the Federal government of Nigeria, oil companies, oil bearing communities and other stake holders within and outside of Nigeria as we are all aware. About 10% of oil yearly exported from Nigeria and about 200,000 barrels of crude oil daily are lost to bunkering, theft and disruptions in the country (Onuoha, 2008 and Igbinovia, 2014). There is no guaranty that the same politicians will do things differently with this aspect of the PIA 2021.

Recently, the media informed us regarding how certain unknown persons (of course within the corridors of power in collaboration with civil servants) concealed from the Nigeria National Petroleum Corporation (NNPC) of certain link oil pipe lines which delivered crude to an undisclosed location outside the country for years without public and government knowledge (as we were made to understand) until it was uncovered towards the end of the former President Buhari's government. Are we saying corrupt practices like this will not be the order of the day under the new PIA? If that is what we feel the PIA 2021 is assuring us, I stand to disagree as nothing seems to have changed in the body language and disposition of Nigerian politician and bureaucrats who are expected to supervise the implementation of the PIA 2021. At least more than ever before, the entire political class and civil service in Nigeria is now neck deep in corrupt practices, dishonesty, malfeasance, criminal manipulations and malpractices.

Bureaucrats are also believed to be equally as corrupt as their political class counterparts in Nigeria. It is in the public domain that politicians who are usually the political heads of the ministries normally work in collaboration with civil servants who are the bureaucrats to mismanage government projects and programmes for their personal interests. Nigeria ministries and departments, corporations and commissions are argued to be cesspit of corruption and all manners of malpractices. For instance, the permanent secretary and directors who

are the technical heads of the government ministries and departments are believed to often recruit the ministers and chairmen of boards/commissions into the existing corrupt tradition within once they are appointed and shown the way to short change the system. A line of argument is that the civil servants especially the senior ones are more corrupt than the politicians, while others say the reverse is the case. But there seems to be an agreement at some point that both often complement each other in perfecting the act of defrauding the state. The truth is that the activities of the civil servants or bureaucrat may likely impact more on the outcome of national policies or projects whether good or bad as they are the technical partners involved directly in the implementation process.

The Corporations and departments charged with manning and regulating the Nigeria oil industry are true replica of what is seen of the typical civil service ministries and public departments. The huge level of corruption that has been recorded within the Nigeria oil industry, was perfected even in the face of an existing Petroleum Act and all the national laws and regulations that were ideally supposed to check the excesses of officials and ensure accountability. In other words, despite the ideal and well-intended nature of PIA (which also has a key area that deals with accountability), there will be the challenge of human factor in an environment where there is a normalization of corruption and greed amongst industry handlers.

Situating this within underdevelopment theories particularly the dependency theory, researchers argue that corrupt practices within the national system in Nigeria is a colonial legacy (see, Onuoha, 2013; Igbinomwanhia, 2021). Again, the tradition of corrupt practices that bedevils Nigeria today is argued not only bequeathed to the country at independence, but sustained by foreign external influence embedded in the nature of diplomatic and international trade relations that it maintains with most countries of the first world. Some development scholars have debated that most first world countries support in a subtle form, activities that will help constrain envisaged progress in developing countries so that they can sustain their dependency status. Many politicians and local handlers of the oil industry in Nigeria have also be compromised by international investors in the country who collaborate with them to undermine and by-pass existing regulatory enactments. The PIA, as far as am concerned is at the mercy of such powerful forces and collaborations who I believe arguably work with the cooperation of some first world countries where such major investors come from.

#### **4.2 Lack of Political Will to Implement the PIA**

The key areas of the PIA are critical aspects of the petroleum industry within and without Nigeria that require strong political will from among the state actors as led by the federal government/presidency to be able to carry through. The inability for government in the past especially with successful implementation of the previous Nigerian petroleum Act is suggestive of the fact that this PIA 2021 may suffer the same fate. Nigeria's political leaders characteristically are lacking in the will to often translate well crafted and well-intended policies into concrete reality.

The shabby implementation and eventual abandonment of the amnesty programme which was initiated by the late President Umaru Musa Yadau's administration by successive government is one clear demonstration of the lack of political will to start a programme/project and carry it through to logical conclusion in Nigeria. Many poverty alleviation projects initiated in Niger Delta region to support local oil-bearing communities initiated by successive administrations have suffered neglects due to the lack of political will to complete them (Dokpesi and Igbinomwanhia, 2008). The case of abandonment and neglect of the existing refineries in the country is another indication of the lack of political will by the political authorities to execute and implement to the later national projects and policies that were originally well-thought to achieve desirable success. The Nigeria oil industry suffers great set back in the downstream sector with the inability of authorities to make the country's refinery work. How the PIA intends to accommodate such national state own refinery and make them relevant in the projected determination of using the Act to turn around the oil industry in the country is what is not yet too clear. Are we expecting a phasing out of the huge monuments or going to give them a revamping in such a way that the country will benefit considerably?

#### 4.3 External Factors

For the external factors, the PIA Act 2021 and its tenets will suffer fundamental set-back as it will be frustrated by the vibrations and emissions from the unbalanced unequal existing global relationship which makes it difficult for countries of the third world to succeed with most of their national policies as enshrined by the underdevelopment theories. Nigeria for example has some very well enacted policies but suffer a great deal of implementation problem orchestrated by external forces of the West which makes them to fail. The dependency theory opines that countries that are dependent on other countries can only make economic progress within the permission of the parent countries. In essence, the definitions of dependency indicates that the relations between dominant and dependent states are

dynamic because the interactions between the two sets of states tends to not only reinforce but also intensify the unequal patterns. Simply put, Dependency Theory attempts to explain the present underdeveloped state of many nations in the world by examining the patterns of interactions among nations and by arguing that inequality among Nations is an intrinsic part of those interactions. As hinted earlier, the argument put forward in this respect is:

*...those who apply dependency in the analysis of underdevelopment of Third World countries emphasise foreign and political influences which affect local development and reinforce ruling elites at the expense of marginal classes. In essence, developing countries will hardly develop as far as they continue to be dependent on the first world countries (Namkoong, 1999)*

These concepts are basically equivalent to Wallerstein's (1974) concept of core and periphery. The flow of economic surplus in the world economy is from the satellite (or periphery) to the metropolis (or core), and the world-economy is organized to make this happen. The underdeveloped nations therefore have become and remain underdeveloped because they are economically dominated by developed capitalist nations that have continually been extracting wealth from them. Nigeria being a third world country that is dependent on foreign countries of the developed region in a world system framework, the petroleum industry Act 2021 will face a lot of constraints from external interferences and rejections especially when the interests of the first world are undermined by the tenets of the Act. The overall structure supported by the dependency arrangement in a world system is to serve the interest of the metropolis (rich western countries) first then before that of the satellites (third world countries) The pattern often seen is that these developed countries like the UK, the US, France and Germany will appear that they support best practices regarding e.g environmental sustainability (which is a key area in the PIA 2021), but when the chips are down they end up encouraging activities that will undermine its successful implementation. This is especially when it is for their national interest or the interest of investors from their country.

#### 4.4 Other Issues

There is also the challenge of transition from bio energy to the electric energy with great preference for environmental friendly green energy. The world is shifting from the reliance on hydro carbon in view of its deadly emissions. Most countries of the world have set dates for the phasing out of the petro energy to power automobiles and heavy industrial machines which makes the petroleum for example less in demand gradually. The question I may ask here is

that, how ready are we? When Petro is phased out, what happens to our oil revenue? Again, how do we cope with our local energy demands? It is easy for the developed first world to say boldly that they are transiting from the use of petroleum to electric energy to power their auto mobile and heavy-duty machineries because they are home to the required technological know-how to accomplish this. But we cannot say same of third world countries like Nigeria. They are self-sufficient for example in the area of electricity power supply and the production of automobile batteries that will be needed for this purpose. The transition process will be a major challenge to the local economy because Nigeria is heavily dependent on the same first world to acquire the technology. This will mean another opportunity for the first world to further determine the fate of the country especially as it relates to its foreign exchange and international relations.

Moreover, sourcing and securing the technology from the developed nations will not be a guaranty of a successful transition. The antics and malfeasance within the local system as mentioned before with respect to public officials will also pose a stumbling block. More than sixty years after independence Nigeria does not have a stable supply of electricity for basic domestic use let alone for other purposes. Even if we have to turn to the use of the less carbon filled liquefied natural gas (which we have in abundance), the country will still need a huge sum to be able to effect the transition. So, the key area of the PIA that relates to the issue of energy transition is another area that potentially faces constraints and implementation challenges.

Far and above what we have debated, the PIA 2021 itself ordinarily, appear to have created more problem than it hopes to solve. There is the argument that the fact that it provided for double taxation it may discourage further investment from genuine foreign investors. There is now the hydrocarbon tax and the company income tax. This can further shrink revenue source rather than expand it as argued by state actors, who asserted that the Act will help turn around the industry and instigate improved economic gains from the sector. Secondly, since the Act supports the deregulation of the downstream sector allowing market forces to determine petroleum pump price there will be increased prices of PMS and other petroleum product (as it has already been done) against the interest of low income earners. The implication of this is that the already poor low income earners will become poorer with their earnings unable to cover their bills. This is made worse as prices of petroleum especially automobile fuel, diesel and gas often determine prices of basic needs like food stuff, housing rent, transportation and other daily needs of the citizenry. The recent jacking up of fuel (PMS, kerosene, diesel

and domestic gas) prices has bequeathed tougher economic hardship to the people. Foodstuffs' prices have correspondingly also gone up, ditto other goods with many now out of the reach of the common man.

Other contended provisions of the Act also appear to portend grievous backlashes that may hinder progress and likely throw the country into deeper crises. The allocation of 3% to host/oil bearing communities (against the 10% that was requested by the people of the area) and 30% to frontal basin states of northern Nigeria is a reflection of what many called the enduring cheating against host communities. The argument put forward in this respect is that this may further escalate the already brewing tendencies towards youth restiveness and agitation for secession especially in the southern states of the country. This paper is of the corresponding opinion that this singular provision of the Act is counterproductive and that it represents a recipe for further disunity and animosity among the people of the country. Of course, the consequence is that development and progress which the Act is argued to ensure may then become elusive.

The Act seems to have indirectly discouraged the federal government from looking at possibility for diversification of the Nigerian economy. Laying major and further emphasis on oil revenue as the major source of funding the country's expenditure will not promote prospecting into other areas. This could be argued to be a negative side of the Act that may sadly affect the country's GDP in the future rather than ensure accelerated economic development especially with the world shifting gradually from hydro carbon as note earlier in this paper. In the same vain the act may be faulted as not futuristic by not focusing much on alternative source of energy in its huge and copious provisions.

## 5. Dependency Perspective as Theoretical Framework for this Paper

For the purpose of this paper, I choose to consider the envisaged challenges majorly from a sociological theoretical perspective. The reason for this is that most national problems that African and many third world countries suffer are rather sociological than economic as erroneously claimed. Though this is debatable, but classical sociological thinkers of the grand theories like Herbert Spencer, Emily Durkheim, Max Weber, Karl Marx and others demonstrated in early post-industrial era that their sociological perspectives and ideas regarding the emerging problems of society like the ones we have today were effective in proffering enduring solutions and understandings. I will however quickly mention too that post modernism theorists fairly disagree with the claims of the modernists regarding whether or not their ideas about society were perfect and

conclusive enough in solving emerging social problems (see Obaro, 2019). But in all, there is a meeting point amongst both dominant theoretical sub-divide that sociological understandings and perspectives should be more basic in approaching most challenges that cause disquiet in society.

The dependency theory is majorly applied here in x-raying the issues at stake regarding the inherent problems anticipated. In this, we look at the problem that will emerge especially in the area of implementation, accomplishment and practice of the PIA 2021. Using this theory which is a strand of under development theories, the challenges identified were classified into three main types, that is, (i) internal (ii) external (iii) and other issues as discussed above. In this we were informed that the foundation for most internal problems in third world countries like Nigeria as viewed by the perspective taken in this paper are triggered by external factors and antecedents as held by underdevelopment theories. This gives an insight why the internal factors reviewed here are considered to also fall under issues captured by most underdevelopment theories.

The main exponent of this theory is Andre Frank Gulder. He did much of his work in South America, a once rich region of the world but had its economy frustrated by political manipulations and socio-economic dominance of the developed world as particularly led by the United States of America. Dependency theory suggests that resources flow from a periphery of poor and underdeveloped states to a core of wealthy states of the globe (Gunder Frank 1967) (see, Kay, 1975; Thompson, 2015; Webster, 1990). Gunder Frank (1967) argues existing global socio-economic relations entails a global system of capitalism in which core nations and continents like the USA, the United Kingdom, and Europe exploit what he calls the peripheral nations in Africa, South Asia, Latin America and others (see, Bergesen 2015). Regarding this theory Leys (1996) stressed global market domination and division of labour favouring the developed north against the interest of developing nations. This sustains the dependency status of poor nations in the global economic relations (Bergesen, 2015).

Dos Santos's (1970) review suggests the dependency concept was presented as reflecting a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected (see, Igbinomwanhia, 2021). That, the relation of inter-dependency between two or more economies, and between these and world trade, assumes the form of dependency when some countries (the dominant ones) can expand and can be self-sustaining, while other countries (the dependent

ones) can do this only as a reflection of that expansion. Contemporary perspectives of dependency global relationship expose the post-colonial forms of dominance of the states (Namkoong, 1999). The theory argued that developing countries will hardly develop as far as they continue to be dependent on the first world countries many of which they still maintain master-servant relationship with, after years of independence. It summarises that the nature of global arrangement and relationship is such that weaker nations of the third world are systematically positioned in a world system frame work to be reliant on the rich countries of the world. This is believed by its exponents as posing great limitations to national attempt to grow economically by such developing countries. In essence there is that tendency for most internal national policies like the PIA to fail from the outset especially with the frustrating influence and activities of external forces notably in the West. Quickly, what translation this has for the subject matter under discussion is that the PIA which is one of the most important Acts in Nigeria today with strategic implications for the country's national growth and development, stands to succeed only to the extent which the Western dominant forces would want it to succeeded.

## 6. Conclusion / Suggestions

In conclusion, the Petroleum Industry Act of Nigeria (PIA) 2021, is an Act established with far reaching positive implications for the oil industry and by extension the growth of the country's economy. It in a nutshell it has the potentials to turn around the fortunes of the oil industry in the country more than ever before for the overall interest of the federal government of Nigeria, oil companies, oil bearing communities and other stake others. But the inherent challenges and pit falls foreseeable are quite enormous to the extent that everyone needs to be cautious and circumspect in handling the implementation. As mentioned before, the critical issues of the global dependency status of the Nigeria nation; the local corrupt political elites and bureaucrats and; short comings inherent in the nature and structure of the Act are visible challenges in view.

As a form of suggestion, the country needs to look inward in terms of being self-sufficient rather than continuous dependence on external support from foreign countries especially those in the developed West. This will minimise expectations and interferences from such exploitative external relationship with countries who always want more in return for every assistance they render to third world countries like Nigeria. Secondly, there is basically the need for a national rebirth in Nigeria. Nigerians both the followers and leaders need to

change their attitude towards national life. Deliberate efforts are seriously needed towards condemning corruption at all levels. Strict measures must have to be taken as a way of discouraging wide spread corrupt practices. Politicians and Bureaucrats should be checked and made to serve serious jail terms when caught getting involved in corrupt practices to serve as deterrence to others. Effective administrative mechanisms must also be evolved and entrenched in our policies and practice within existing institutions to make corrupt practices extremely difficult. Finally, there may be the need to do a quick repeal of the Act in order to correct some of the short comings embedded in the provisions of the Act, especially those areas that may help escalate feud and secession tendencies in oil bearing regions of the country.

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