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### ORGANISATIONAL FEDERALISM CONCEPT AS AN ALTERNATIVE REFORM PACKAGE FOR NNPC AND ITS SUBSIDIARIES: A MANAGEMENT PERSPECTIVE

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### ABSTRACT

This work is a contribution to reforming of the governance of the Nigerian National Petroleum Corporation, NNPC Group. The NNPC Group is a complex organisation of diverse corporate interests and business concerns in the spheres of upstream-petroleum production, downstream-petroleum processing and petroleum-products distribution and marketing. The study tackled the problems arising from the complexity of the NNPC Group from the perspective of organizational federalism. First the corporate problems of the NNPC were specified. Second, the concept of organisational federalism and its framework were reviewed, and the example of the corporation practicing it was indicated. Third, the study attempted the adapting of the NNPC group into the framework of the organizational federalism. Fourth, the work discussed the gaps that resulted from the adaptation attempt, by drawing knowledge from the known framework of Nigeria's sovereign federalism. Fifth, the work concluded with suggesting the roadmap involving the highlights of how to entrench organisational federalism into the NNPC Group. It is expected that there will be a positive difference when the Government of Nigeria enshrines organisational federalism into the NNPC Group, as this study advocated.

KEYWORDS: reforming, organisational federalism, framework, sovereign federalism,

roadmap, corporate problems.

#### INTRODUCTION

Evolution and background of NNPC

The first commercial oil was found in 1956 by shell in Oloibiri in the present day Bayelsa State. The success of shell in the Niger-Delta area attracted other oil companies such as Mobil, Texaco, Gulf (now Chevron), Agip, Esso and Safrap (now ELF) into the country. Notwithstanding the disruptive effects of the Nigerian civil war fought between 1967and 1970, the Nigerian oil industry has gone through rapid expansion from 1956 to 1970.

In 1971, the Nigerian National Oil Corporation (NNOC) was established as an organ for exercising control over the oil industry dominated by multinationals. Under the auspices of NNOC, Nigeria in 1971 joined the Organization of Petroleum Exporting Countries, OPEC as its tenth member.

The Nigerian National Petroleum Corporation, NNPC was formed in April 1977 by the merger of the NNOC and the Ministry of Petroleum Resources under Decree No.33. In addition to the oil exploration and production activities carried out by its forerunner the NNOC, the then new NNPC was given powers and operational interests in downstream processing activities such as refining, petrochemicals, petroleum-products transportations and marketing. In a nutshell, the NNPC Group consists of six directorates, nine wholly-owned subsidiary companies, three partly owned subsidiaries and nineteen associated companies which manage the upstream oil production operation and the downstream oil processing activities and distribution.

#### **Problem Statement**

On August 29, 2007, the Federal Executive Council (FEC), after its fortnightly meeting in Abuja, announced the unboundling of NNPC into five organisations. Nankwere [2007:4] reports that the five organisations are namely:

- The NNPC to be dissolved into National Oil Company (NOC).
- The Petroleum Inspectorate Commission (PIC) to replace the current Department of Petroleum Resources (DPR).
- The Petroleum Distribution Authority (PDA) to replace the present Pipelines Product Marketing Company (PPMC).
- The National Oil and Gas Assets Holding Company (NOGAHC) to replace the National Petroleum Investment and Management Services (NAPIMS).
- The National Petroleum Directorate (NPD) to replace the Ministry of Energy Petroleum

The new policy of unbundling of NNPC was reached by the Federal Executive Council after considering the harmonized report of the Oil and Gas Reform Committee (OGRC) and the National Council on Privatization (NCP) Committee, set up by the Obasanjo administration to restructure the Petroleum Sector [Nwankwere, 2007: 4]

Also, on May 17, 2010, the Jonathan administration sacked the Group Managing Director, GMD of the NNPC, and ordered a comprehensive audit of the accounts of the Corporation [Ailemen, 2010:7]. These developments happened barely six weeks after the appointment on April 6, 2010, of the sacked GMD. The appointment of the new GMD for NNPC by the executive fiat of the Nigeria's President would be the fourth in the past three years, with two GMDs appointed by the late President Yar'Adua administration, while two have been appointed by President Jonathan administration.

These frequent political interferences and the planned unbundling of the NNPC are signs that the NNPC is neither stable nor working well. However, given the fact that the world is experiencing mergers, that witnessed the formation of world class conglomerates such as ExxonMobil Corporation, and SasolChevron Corporation in the oil business, this work will examine and present an alternative to unbundling of NNPC, and also suggest a solution to the frequent removal from and succession to the GMD position. The alternative will neither propose a merger for NNPC nor unbundling of NNPC, but exploring the concept of organisational federalism in providing the roadmap to reforming the management of NNPC and its subsidiaries. Two possible synonyms of organisational federalism are industrial federalism and corporate federalism.

To this end, this paper is broken up into the under listed sub topics

- Concept of the organisational federalism
- Conditions and criteria of federalism considerations
- Adapting NNPC into organisational federalism framework
- Comparism of NNPC federalism with a working federal system
- Road to actualizing NNPC federalism
- Conclusion and recommendation

### FRAMEWORK REVIEW ABOUT ORGANISATIONAL FEDERALISM Organisational Federalism Concept

Federalism, unlike corporatism can exploit the productive spur of competition. Federalism is not just a word for centralisation. Yet most federations are more than this. Autonomous entities, usually states or countries, decide to cede certain of their rights to a central federal authority the better to serve their joint interest [Handy, 2009:2009:212].

However, organisational federalism according to Handy [2009:212] will probably come about in reverse, by devolution rather than by acts of union, but the net result will need to be the same, a separation of rights and powers between the centre and the villages (federating units). The centre may retain the ancient rights of shareholders vis-à-vis the villages — that is, the right to a dividend, to the appointment of strategic figures, and to the provision of new strategic finance. There may also be grouped at the centre the ancillary services, operating as self-contained units with their own entrepreneurial freedom. No doubt there will, too be some 'federal laws' and a law-enforcing mechahism to ensure a degree of homogeneity amongst the villages, perhaps on some industrial relation matters, on accounting formulae, on quality procedures. But these would have to be negotiated to ensure that they did not infringe the independence of the village, nor the requisite variety needed for the long-term survival of the federal organization. Theoretically, the federal centre serves the states.

#### Perspectives Of Organizational Federalism

Here, topless federalism and federal organizational in action will be reviewed and examined. About topless federalism, Handy [2009:212] points to one of the most successful federal operations in the world: the international postal service, whereby it is possible to post one's letter in Germany and have it delivered in China, without the existence of a building called the international postal authority. Topless federation may more or less than mean centreless federations, that is federations without physically existing centre. Thus federations can be merely agreements for co-operation just like the international postal service, that is organization of consent and contract.

About federal organisations in action, Handy [2009:215] writes that Johnson and Johnson is a US \$5 billion company broken up into 150 independent divisions. The divisions are each called 'companies' and each is headed by a 'chairman of the board'. The central staff is small,

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with no specialists traveling among the subsidiaries. There are over 55 consumer-product divisions, each responsible for its own marketing, distribution and research.

### Structure of Organisational Federalism

In this section, the federal centre concept and the federal village concept will be reviewed and examined with regard to conditions, functions and powers of organisational federalism. The federal centre concept involves corporate governance of the whole organisation. Handy [2009:216] explains that the centre's aim must be to emphasise the interdependence of the villages, the common threat or purpose of the federation, while recognizing the individual needs of the different villages. This explains the basic conditions for organisational federalism.

Handy [2009:216] writes that the centre will be dominated by planning by the need to prepare plans, reach agreement on plans, disseminate the plans and co-ordinate the village efforts to implement the plans. The centre accomplishes these by the process of bargaining, adaptation, persuasion and compromise. This explains the functions of the centre in the structure of organisational federalism.

Power according to Handy [2009:217] must be inversely related to tenure of office in a federal constitution, and policy-makers and senior managers will serve for defined terms (the fixed-term contract): management then is a task for a time, not a career - quite proper to the organisations of consent and contract. Also, Handy [2009: 216] writing on power and authority in organisational federalism states that those who execute policy must not be exactly the same as those who legislate policy, for this would give too much power to one group. This explains the authority and relationship for corporate offices in organisational federalism.

The federal village concept on the other hand involves governance of the parts of federating units of the organisation. Handy[2009:219] points out that the materials of management in the village are common purpose, informality, leadership, individuality, honesty and initiative; and it has to be management by consent and by inspiration. The villages are the heart of the organisations of consent and Handy [2009:220] provides a check-list for the would-be leaders of the villages, some of which are:

- Recognise the right to disagree
- Control by planning, not by checking
- Manage by reciprocal trust
- Emphasise the common task, purpose or output,

These explain the village interests required for structuring of organisational federalism.

Another author, Oyinlola [2009:45] writes about the separation of powers in a federal constitution between the government for the whole country and the governments for parts of the country. Also, Oyinlola [2009:45] emphasizes that in particular the legislature of the whole country has limited powers, and the legislatures of the states or provinces have limited powers; neither is subordinate to the other, both are co-ordinate. In terms of organizational federalism (industrial federalism), the government for the whole country is taken to be the centre concept, while the governments for parts of the country (states or provinces) are likened to the village concept.

## Requirement and Criteria for Federalism

Federalism according to Handy [2009:212] and Nwokedi [2009:19] works best when:

- There is a common external threat
- There is a web of interdependence, so that one state cannot dominate the rest, but each needs the others for some resources.
- There is diversity, whereby each state has separate needs and can look after its own internal affairs.

Also Handy [2009:212] itemizes that federalism works as long as:

- There is a separation of power
- There is a clear definition of the role of these powers
- There is an inverse relation between the amount of power you given those in authority, and their tenure of office.
- The individual is assumed to belong to multiple groups, with a variety of interests. Villages (federating units) in a federation would tend to have freedom to control the means and negotiate the ends. As long as the rent is paid and federal laws obeyed, independence in a federation is guaranteed.

### METHOD OF ADAPTING NNPC INTO THE FRAMEWORK OF ORGANISATIONAL FEDERALISM

The corporate"federalism arrangement being advocated for the NNPC group will comprise three-tiers of corporate government and three-arms of corporate government at the three tiers of government. Accordingly, the framework structure of the three tiers of corporate government for the NNPC group will include:

### First Tier Corporate Government: The Centre

The are six Directorates of the NNPC Group and they are namely, Refineries & Petrochemicals, R&P; Commercial & Investments, C&I; Engineering & Technology, E&T; Exploration & Production, E&P; Finance & Accounts, F&A; Corporate services, CS [NNPC, 2009:8]. These Directorates will function as the corporate organs of the first tier federal government and this is consistent with what Handy [2009:216] describes as the federal centre. As usual each of the six directorates will be headed by the Group Executive Directors, GEDs, while the NNPC Group will be headed by the Group Managing Director, GMD, with the combination of the Group and all the Directorates functioning as the first tier federal corporate centre. Appendix A is the organigram proposed for the first tier federal corporate centre, showing the six Directorates of the NNPC Group (executive arm), the Board of Directors (the legislative arm) and the Department of Petroleum Resources, DPR adapted to function as the judiciary arm of corporate federalism. Appendix B is the proposed structure for the DPR whose role will be extended to dispute and conflict resolution and management.

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## Second Tier Corporate Government: The Federal villages

The nine wholly-owned subsidiary companies and the three partly-owned subsidiaries will be likened to the federating units and the second tier corporate government. The nine whollyowned subsidiaries are namely, Nigerian Petroleum Development Company Limited, NPDC; Integrated Data Services Limited, IDSL; Nigerian Gas Company Limited, NGC; Port Harcourt Refining & Petrochemical Company Limited, PHRC; Kaduna Refining & Petrochemical Company Limited; KRPC; Warri Refining & Petrochemical Company Limited, WRPC; Pipeline & Products Marketing Company Limited, PPMC; National Engineering & Technical Company, NETCO; and Duke Oil Limited [NNPC, 2009:9]. The three partly-owned subsidiaries are, Calson (Bermuda) Limited; Hydro-Carbon Services of Nigeria, HYSON; and Indorama Petrochemical Company Limited, IPCL [NNPC, 2009:9]. These subsidiary companies are like the states or provinces in the sovereign federal structure. This is consistent with the description of federal village concept by Handy [2009:219], where the federal villages are the federating units. The subsidiaries will as usual be headed by Managing Directors, MDs. Appendix C shows the organigram being advocated for each of the nine wholly-owned and three partly-owned subsidiary companies of the NNPC Group.

Each of the subsidiaries will have the executive arm of governance consisting of the MD, the Deputy MDs for Materials Management, Planning & Budget Monitoring, Internal Audit, Total Quality Management and Company Secretary/Legal Adviser; and two Executive Directors for Operations and Service (Appendix C). Also, each of the subsidiary companies will have the Board of Governors, BoGs to function as the legislative arm of corporate governance, and the DPR adapted to play the judiciary arm of corporate federalism (See Appendix C).

### The Third Tier Government: The Extended Villages

The nineteen associated companies of the NNPC Group will form the third tier government, which could be likened to the local governments in the structure of Nigeria's federalism. The associated companies of the NNPC Group consist of Solus Schall Nigeria Limited; Baker Nigeria Limited; Dresser Nigeria Limited; Baroid Nigeria Limited; Baroid Drilling Chemical Products Nigeria Limited; Keydrill Nigeria Limited; ACM Nigeria Limited; Dowell Schlumberger Limited; Sedco Forex of Nigeria Limited; Schlumberger Limited; Flopetrol Nigeria Limited; Nigerian LNG Limited; National Fertilizer Company of Nigeria Limited (now Notore Chemical Industries Limited); Nigermed Petroleum SA; Stallion Properties Development Company Limited; National Oil & Chemical Marketing Company Limited (now Conoil Plc); African Petroleum Plc; Unipetrol Nigeria Plc (now Oando Plc); and FSB International Bank Limited [NNPC, 2006:1] Given the concept of federal village by Handy [2009:219] the associated companies of the NNPC Group may be likened to the extension of the federal village concept. Appendix D shows the organigram suggested for each of the nineteen associated companies of the NNPC Group. Appendix D is similar in structure to Appendix C, the difference being that Appendix C is applicable to second tier governance (that is federal village concept), while Appendix D is for third tier governance (that is extension of federal village concept). In other words, Appendix D may be likened to the third tier local government in Nigeria's sovereign federalism.

## The Executive, Legislative and Judiciary Arms of Governance

The three arms (executive, legislative and judiciary) of the three tiers of corporate governance (the centre, the federal villages and the federal village extensions ) being advocated for the NNPC Group will consist of :

- a) The Board of Directors, BoDs headed by the Chairman and likened to the legislative arm of government in the setting of a sovereign state. The functions of the BoDs should involve long-term corporate policy making; budget appropriations; and checks and balances on the executive arm of the corporate governance (See Appendices A,B,C,&D)
- b) The executive cabinet headed by the Group MD, whose functions shall include short preparations; policy making; budget corporate appropriated/approved budget and long term corporate policies; and checks and balances on the BoDs. Comparatively, the executive cabinet is similar to the executive arm of government in the sovereign state setting. The members of the executive cabinet are the Group MD, the GEDs of the six Directorates, and the Heads of the four Divisions, namely Group Corporate Audit, Group Corporate Planning & Development, Group Public Affairs, and Group Legal Matters (See Appendix A) .At the second tier governance (Appendix C) the constituents of the executive cabinet are the MD, the four Deputy MDs, the company Secretary/Legal Adviser, the Executive Director (Operations), and the Executive Director (Services). At the third tier, involving the associated companies (see Appendix D), the executive cabinet make-up is same as the second tier governance depicted by Appendix C.
- c) The DPR (see Appendices A,B,C,&D) headed by the Minister of State/Special Adviser, shall have its functions be extended to dispute and conflict resolution and management. This role could be likened to function of the judiciary arm in sovereign-state governance. At each tier of corporate governance, the DPR is entrenched and adapted to play the role similar to the judiciary arm of sovereign government, by way of dispute and conflict resolution and management. This new role is in addition to the DPR traditional role of regulatory agency.

To ensure corporate stability and least interference by the Nigerian government, the offices of the MD of the Group Subsidiary and Association Companies; the 15 member BoDs of the NNPC Group, Subsidiary, and Associated Companies, should be four-year tenured. To this end, transparent and free and fair elections shall be held every four years during the annual general meeting, AGM. The AGM should be corporate assembly of stakeholders made up of Nigerian government representatives, such as Ministers of Petroleum, Justice, Niger Delta, Finance, and National Security; leaders from Revenue Mobilization, Allocation and Fisca Commission, RMAFC; Petroleum and Natural Gas Senior Staff Association of Nigeria, PENGASSAN; National Union of Petroleum and Gas Workers, NUPENG; and Department of Petroleum Resources DPR.

The objective of the proposed fitting of the corporate federalism concept into the structure of the NNPC Group is a curious attempt to solve the myriad of challenges confronting the of

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corporation. These challenges will be discussed in the next section within the framework of corporate federalism concept.

#### DISCUSSION

## Federalism Requirements Vis-à-vis NNPC Group

This section discuses the requirements and criteria of federalism of NNPC Group under the subheadings of common external threat, web of inter dependence and diversity. These factors are highlighted in the framework Review Section 2.4 as drawn from Handy [2009:212] and Nwokedi [2009:19]. Therefore, looking at the first factor, it could be stated that the challenge of meeting the security for petroleum and external demands of oil and gas from bilateral and multilateral international agreements and also OPEC ceiling constitutes the common threat for the NNPC Group. Therefore adapting organisational federalism as a system of co-ordination for the NNPC Group may likely satisfy the criterion of common threat.

Considering the web of interdependence for the NNPC Group; an examination of the structures and roles of the NNPC and its subsidiary and associated companies suggests a complex mesh of interwoven relationships, connections and dependence. Thus organisational federalism as advocated could be the system of corporate governance that satisfies the requirement and criterion.

Looking at the diversity factor for the optimum working of federalism, it may be noted that each of the subsidiaries and associated companies of the NNPC Group may be a provider of one or more resources and services. This suggests that none may be a parasite onto another federating unit. This may be similar to what obtained in the regional federalism of Nigeria in the 1960s, whereby each of the four federating regions had a resource to contribute to the federal union. Example, the Eastern region produced coal and palm oil, the Western region contributed cocoa, the Midwest region was noted for rubber production, and the Northern region offered groundnuts and cotton. These agricultural resources made the regions economically viable and the federal union sustainable. However, the Nigerian federalism under the states structure offers the contrary as some states appear like parasites onto both the centre and other federating states.

In view of the above deliberations, it is apparent that the NNPC Group satisfies the criteria and requirements for federalism as stipulated by Handy[2009:212] and Nwokedi [2009:19].

### Power in Federalism versus NNPC Group

Organisational federalism in NNPC Group will entail that the federal corporate centre of the NNPC is empowered to prepare plans, reach agreement with subsidiary and associated companies about the plans, disseminate the plans, and co-ordinate the efforts of the subsidiary and associated companies (federal villages) to implement the plans as stipulated in the Framework Review Section [Handy 2009:216]. Interestingly, the power given to the federal centre to perform the above planning functions will be the hope for solving the problems of the NNPC Group which includes autonomy to the subsidiary and associated companies, management of budgetary provisions, limits of approval and authority, and regular audit exercises. By federalism stipulations (recall section 2:3 of the Framework Review) the NNPC federal centre accomplishes its planning function by the process of bargaining, adaptation, persuasion and compromise with the federal villages (NNPC subsidiaries). However, it should be recalled that the would-be leaders of the villages (subsidiaries) should recognise the right to disagree; control by planning not by checking; manage by reciprocal trust; emphasize the common task, purpose or output (see section 2.3 of the Framework Review).

To ensure that those who execute policy must not be exactly the same as those who legislate policy, for this would be to give too much power to one group [Handy, 2009:216], there must be a separation of power (See section 2.3 of the Framework Review). Therefore, the corporate executive council (the executive arm of corporate governance) must be independent and distinct from board of directors, BoDs the policy legislative arm of corporate governance. In addition there should be a judiciary equivalent, that is a dispute settlement apparatus, and the Department of Petroleum Resources, DPR that regulates Petroleum Industry will have the scope of its role expanded to include the administration of justice, or conflict resolution and management.

#### CONCLUSION

The reform planned for the NNPC Group, entailing its unbundling into five organisations, appears like reclassification and change of nomenclatures (acronyms) for the NNPC organisations. There is the need to change and re-orient the system of co-ordination between the NNPC and its subsidiary and associated companies. This can be done by entrenching the concept of organisational federalism as the system of co-ordination and corporate governance into the NNPC Group.

Organisational federalism in action according to Handy [2009:215] worked in Johnson and Johnson, a US \$ 5billion company with 150 independent divisions and over 55 consumer product divisions, each responsible for its own marketing, distribution and research (Recall section 2.2 of Framework Review).

To accomplish and replicate the success of Johnson and Johnson, the workforce of the NNPC Group must be involved. Therefore, by inculcating and re-inforcing the culture of commitment (dedication), safety (consideration for health), patriotism (loyalty to Nigeria), transparency (follow due process), integrity (credibility), accountability (report stewardship), innovation (structured improvement), respect (mutual regard) onto the NNPC workforce, coupled with the entrenchment and adaptation to the proposed concept of organizational federalism, the NNPC Group will no doubt witness noticeable transformation and visible improvement.

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