



2 March 2022

## **RFA for A Consultant to Assess the Operation of Oil and Gas Commissions in 5 Niger Delta States**

### **1. Introduction**

The Africa Network for Environment and Economic Justice (ANEEJ) is an Anchor Civil Society organization implementing the Strengthening Civic Advocacy and Local Engagement (SCALE) project being implemented by Palladium with funding from the United States Agency for International Development (USAID). Under SCALE, ANEEJ Cluster is implementing the *Enhancing Anti-corruption and Social Inclusive Reform Initiatives in Nigeria* project.

The goal of the project is to promote and engage in anti-corruption policy reforms at both the national and subnational levels in Nigeria. One of the objectives is to advocate for reforms in the 5 Oil and Gas Producing Areas Development Commissions in the Niger Delta.

SCALE's Cluster model necessitates ANEEJ working with 8 other Civil Society organisations based in Edo, the FCT (Abuja), Delta, Imo, Abia, Ondo and Rivers States to deliver the project. ANEEJ Cluster is seeking the services of a consultant to assess the operations of Oil and Gas Producing Areas Development Commissions, and their enabling laws and proffer recommendations for reforms to make the institutions more responsive, transparent and accountable to citizens of oil producing communities in the Niger Delta. The report will be used as a tool by trained ANEEJ Cluster, CSOs, sector journalists to engage the project benefiting state governments/Houses of Assemblies as well as Host oil Communities and the commissions for reforms.

### **2. Background and Rationale**

The Niger Delta of Nigeria has continued to be a paradox as trillions of oil derivation revenue accruing to the states of the oil-rich region since the return of democratic governance in 1999, has not translated into concrete development for the region.<sup>1</sup>

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<sup>1</sup> section 162(2) of the 1999 Constitution as amended prescribes for the allocation of at least 13% of the revenue accruing to the Federation Account directly from any natural resource, to the State where the natural resource is derived.

Thus, the Niger Delta states receive 13% derivation funds from the Federal Government as its quota of revenue derived from oil. Whilst there has been a clamour for increase in the derivation funds by the region's elites and arguments in support of resource control, it is believed that to a large extent, the issues surrounding the use of derivation funds come down to mismanagement, lack of transparency and accountability.

The Africa Network for Environment and Economic Justice (ANEEJ) conducted a research entitled [Oil of Poverty in the Niger Delta](#). The research led to the discovery that only Ondo State had an institutional framework for the management of the 13 per cent derivation fund vide the Ondo State Oil Mineral Producing Areas Development Commission. On the strength of this discovery, ANEEJ developed advocacy strategy to get other states in the region to have an institutionalised framework. Efforts in that direction led to the establishment of Edo State Oil and Gas Producing Areas Development Commission and the Delta State Oil Producing Areas Development Commission. Imo and Abia States not located in the region later took a queue.

However, a 2021 report by an online newspaper, [PREMIUM TIMES](#) assessed exactly why the large amount of funds going into the region through derivation have not led to any positive outcomes for local communities, as well as developed actionable recommendations on changes that need to be made to the current disbursement processes to ensure the funds reach those they are intended to benefit. The report revealed that the current legislative regime for revenue sharing in Nigeria prescribes and manages disbursements to the sub-national government level but does not legislate the expenditure of these revenues. Thus, legislation needs to be implemented to regulate expenditure. Likewise, there needs to be effective monitoring and oversight functions by the government to ensure proper utilization of derivation funds.

It is against this backdrop that ANEEJ Cluster is seeking the services of a seasoned consultant with vast experience on the issues of the people of oil-rich Niger Delta and the challenges and weakness associated with the state oil and gas commissions that will inform Civil Society advocacy for reforms of the commissions for greater efficiency, transparency and accountability in delivering their mandates.

### **3. Objective of the Assignment**

- To assess five (5) Oil and Gas Producing Areas Development Commissions performance and review their enabling laws to inform Civil Society advocacy actions in the region.

#### **Scope of assignment/ToR**

- Present a brief analysis of the situation in the Niger Delta
- Review the mandates of the commissions as reflected in the laws and show how inclusive such mandates are
- Examine how far the commissions have been able to implement their mandates
- Assess funding to the commissions in the past 10 years and the sufficiency of such funds in financing the commissions' operation and development initiatives
- Discuss how to increase funding/alternative funding model for the commissions.
- Assess if the commissions have been able to apply available resources to improve the living standard of the people
- Make recommendations on gaps identified, and how to improve the work of the commissions. The recommendations will inform Civil Society Advocacy for reforms

of the institutions for greater inclusion, service delivery, responsiveness, transparency and accountability

#### **4. Deliverables and Timetable**

The assignment is expected to take up to 10-15 consultancy days between March and 2<sup>nd</sup> week April, 2022. The proposed schedule is set out below:

Desk review of the enabling laws of the commissions	March 23-25,2022
Design tool/questionnaire/interview guide to undertake the assessment and share with ANEEJ for feedback	March 26 – March 28, 2022
Collect data using the tool/interface with the commission and other stakeholders	March 29 – April 10, 2022
Deliver first draft report	April 11
Integrate edits from ANEEJ	April 13
Deliver a reviewed report to ANEEJ	April 15

#### **5. Consultant’s Qualifications**

The consultant should be a firm, organization or individuals that ANEEJ considers to be credible, trustworthy and technically competent. A background in law will be an advantage.

##### **The consultant must demonstrate:**

- Experience and knowledge of the Niger Delta development challenges, the oil and gas commissions
- Understanding of provision of their enabling laws
- Excellent written and oral communication skills, including ability to present the report to ANEEJ Cluster, other CSOs and media stakeholders
- Knowledge of the extractive sector and prior working experience and knowledge of the Niger Delta issues.

#### **6. Remuneration**

ANEEJ will pay the successful consultant subject to negotiation in line with approved budget for the assignment.

#### **7. Method of Application**

Interested consultants should apply with their detailed Curriculum Vitae and a Capacity statement of not more than two pages to: [procurement@aneej.org](mailto:procurement@aneej.org) not later than two weeks from the date of this advertisement. Only applicants that satisfy the qualifications above shall be contacted.