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Lessons from Nigeria for Improved Thinking and Working Politically in the Extractives Sector^{1 2}

Abstract

Motivation

Despite the wealth that comes from being biggest oil producer in Africa, Nigeria has some of the worst development indicators in the world. From 2011 to mid-2016, the Facility for Oil Sector Transparency and Reform (FOSTER) programme aimed to reduce incentives for the capture of oil revenue by elites and international oil companies, restoring the potential of those revenues to accelerate economic and social development.

Purpose

This paper asks what lessons FOSTER's successes and failures offer for improved 'thinking and working politically' (TWP). It examines the outcomes from five 'clusters' of interventions: three viewed by the FOSTER team as successes and two as failures. The paper identifies factors for successful TWP-based programming, including the need for local ownership rooted in staff with a combination of technical expertise, a deep knowledge of the local political context and excellent networking abilities.

¹ Funding for the research was provided by DFID Nigeria. We would like to thank the FOSTER team for their help and cooperation throughout the research, and during the fieldwork in particular. We would like to thank Richard Ough and DFID Nigeria, as well as Oxford Policy Management (OPM), for supporting the research and the learning process that took place alongside. Finally, we would like to thank reviewers for their very useful insights.

² ELL: Department of Political Science, Free University of Brussels; JB has been employed by DFID since September 2017. Her contributions to this article pre-date her employment with DFID and stem from her former role working on FOSTER whilst at Oxford Policy Management; HM: International Development Department, University of Birmingham. HM also serves as Senior Research Fellow with the UK DFID, but writes in her personal capacity. NM: The Policy Practice. (contact author – h.a.marquette@bham.ac.uk).

**Approach
and methods**

The research used a qualitative and inductive approach. Field research was undertaken with 44 semi-structured qualitative interviews during one month of fieldwork in Abuja and Lagos. The research also included reviews of FOSTER's internal documentation and evaluation frameworks, as well as analysis of newspaper articles and grey literature on the oil sector in Nigeria.

Findings

The project offers important lessons for politically informed programming about how interventions were implemented (process); what was actually done (content); and how the project responded to changes in context that created or blocked opportunities for reform (responsiveness). The paper identifies factors for successful TWP-based programming, including the need for local ownership rooted in staff with a combination of technical expertise, a deep knowledge of the local political context and excellent networking abilities.

**Policy
implications**

The findings have important implications for programme design. They demonstrate the value of built-in flexibility that allows staff to choose and switch the partners they work with and the channels they work through. They also show that a key aspect of TWP-based programming is implicit acceptance that some failure may be unavoidable, since this permits staff to balance risk against opportunities. Finally, a better understanding of FOSTER's failures reveals the challenges of a TWP-based approach and the trade-offs it demands.

Key words

Nigeria, oil, extractives, aid policy, TWP

Nigeria ranks thirteenth in the world for petroleum and other liquids production and is the biggest producer in Africa.³ Despite the wealth produced through oil, Nigeria has some of the worst development indicators in the world. The UNDP Human Development Index 2017 ranks Nigeria 157 among 189 countries,⁴ while about 70% of Nigeria's 173 million people live below the poverty line.⁵ Poverty is particularly acute in the oil-producing areas of the Niger Delta where oil production has destroyed the environment and people's livelihoods without creating employment (Burdin Asuni, 2009; Roll, 2011).

One of the reasons that the oil wealth has not benefited the clear majority of Nigerians is that the revenues from oil have been captured by domestic and international elites. The Nigerian Federal Government controls the collection and allocation of oil revenues, retaining a large share of revenue before distributing the rest to the other tiers of government (Obi, 2011; Barrios, 2013). Transparency regarding oil profits is poor and this enables both the Nigerian political elite and international oil companies to monopolise profits (ICG, 2012). Both national and local elites use their share of oil wealth to maintain informal political patronage networks to remain in power (Barrios, 2013; Ukeje & Mvomo Ela, 2013).

The Facility for Oil Sector Transparency and Reform (FOSTER) in Nigeria was a £14 million programme funded by the UK Department for International Development (DFID), the first phase of which ran from December 2010 to mid-2016.⁶ Its overall intended impact was more effective use of Nigeria's natural resources. A key aspect of FOSTER's approach was to identify and target critical

³ <https://www.eia.gov/beta/international/rankings/#?cy=2017>.

⁴ www.hdr.undp.org/en/composite/HDI

⁵ <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>.

⁶ This paper only covers FOSTER's first phase and does not look at its successor, the 'Facility for Oil Sector Transformation' (2016 -2021). See <https://www.opml.co.uk/projects/facility-oil-sector-transformation-foster-2>.

actors and potential reformers within institutions and to seek opportunities to strengthen government and regulatory systems and institutional capacity for more effective oversight and accountability. Interventions focused on government institutions with responsibility for governing how oil and gas revenues are collected and managed (those that ‘supply’ accountability), as well as strengthening demand-side accountability actors such as civil society organisations (CSOs) and oversight bodies (e.g. the Nigeria Extractives Industry Transparency Initiative [NEITI], Parliament).

One of the things that makes FOSTER such an interesting case study is that it was one of the earliest programmes funded by DFID with an explicit ‘thinking and working politically’ (TWP) approach.⁷ According to the TWP Community of Practice, ‘A TWP approach has three core principles: strong political analysis, insight and understanding; detailed appreciation of, and response to, the local context; and, flexibility and adaptability in programme design and implementation’.⁸ Despite its challenging political and sectoral context, FOSTER has been said to be particularly successful in meeting its objectives, which is impressive given the somewhat mixed results on transparency and accountability programming (Carolan, 2016).⁹ FOSTER therefore makes an interesting case study for development practitioners and researchers interested in TWP, as well as those interested in governance and transparency programming in the extractives and energy sectors.

Throughout its lifespan, FOSTER conducted several discrete interventions, but much of its work took the form of ‘clusters’ of interventions that aimed to collectively push forwards reform in particular areas of the Nigerian oil sector. An intervention cluster is supposed to have ‘the potential to add up to

⁷ For an overview of FOSTER from DFID’s perspective, see Bhalla, Waddell & Ough (2016). DFID is one of a relatively small number of donors that have made a serious attempt to find effective ways of implementing innovative TWP programs in the extractives sector, such as FOSTER.

⁸ <https://twpcommunity.org/what-is-twp/>.

⁹ DFID’s overall output score for FOSTER over the five years was A+. See <https://devtracker.dfid.gov.uk/projects/GB-1-200341/documents>.

more than the sum of its individual parts’ (Guerzovich & Mills, 2014: 3). This paper considers five of these ‘clusters’ – three successful cases and two failures – and sets out what these tell us about TWP, particularly in challenging political and sectoral contexts. To identify the clusters for study, the researchers approached the FOSTER implementation team in the first instance to help identify suitable interventions. Final selection considered different criteria: sustainability beyond the intervention, unintended results, the significance of any change achieved, and how far reform pathways diverged from those predicted at the start of the intervention.¹⁰

The research used a qualitative and inductive approach. Field research was undertaken with 44 semi-structured qualitative interviews during one month of fieldwork in Abuja and Lagos. The research also included reviews of FOSTER’s internal documentation and evaluation frameworks,¹¹ as well as analysis of newspaper articles and grey literature on the oil sector in Nigeria. Interviews aimed to provide a comprehensive overview of each cluster of interventions, including the internal working processes of FOSTER, while the review of internal documents considered the logic and implicit assumptions of the interventions. Interviews took place with FOSTER staff, consultants and partners involved in implementation, DFID and beneficiaries/targets of the interventions. Newspaper articles and grey literature were used to put the changes in context and/or trace FOSTER’s result, where such a link could be made. Interview questions focused on ‘whether, why and how’ the clusters of interventions achieved, or did not achieve, the intended results within the socio-political context and how this context in turn informed the intervention choices.

¹⁰ It should be noted that while the above were categorised as successes or failures in the consultation with the FOSTER team, our research did not take this as a given. In some cases, the findings do not necessarily align with the initial classifications. However, in line with McConnell (2010), we do not find ‘success’ and ‘failure’ to be ‘hard’ categories; overall, the story is more nuanced than this.

¹¹ Publicly available documentation on FOSTER can be found at <https://devtracker.dfid.gov.uk/projects/GB-1-200341/documents>.

The paper is structured as follows: we first set out what FOSTER is and the TWP approach in the context of the Nigerian oil sector. We then draw out lessons on successes and failure, aiming to contribute to the literature on politically informed programming. The final section concludes the paper.

The FOSTER approach

FOSTER's operational approach was organised around three core principles: 1) undertaking deep, regular political economy analysis (PEA) to identify shifts in context that can sometimes create opportunities for reform and, at other times, close down previously promising avenues; 2) using this knowledge and intelligence to nurture relationships with sympathetic stakeholders, both in government and outside, and with them develop contextually relevant interventions; and 3) working discreetly to minimise risks to DFID and programme staff.¹² It was originally designed as a relatively traditional transparency and accountability programme to be delivered through technical assistance, working primarily with government on reforms to legislation and regulations, as well as building technical capacity.¹³ During the programme's inception phase, however, a key modification was put in place: the allocation of £8.5 million (of a total programme budget of £14 million) to an unearmarked managed fund. This managed fund enabled the identification and consequent funding of FOSTER's interventions on an iterative basis throughout the programme lifecycle. This also facilitated the use of a 'portfolio' approach –testing a range of approaches that seemed promising with the knowledge that not all would necessarily be successful, but that some might be transformative. The rationale for the change in approach was a recognition that it was not possible at the outset to know the specific pathways through which change might occur and, thus, that resources needed to be allocated in

¹² FOSTER internal documentation; interviews with FOSTER staff, Abuj.

¹³ Interviews with former FOSTER staff who were present during FOSTER's inception phase and/or participated in its design via skype and in Abuja,.

response to arising opportunities.¹⁴ FOSTER's ability to adapt and shift its focus in accordance with the evolving reform environment turned out to be important, as detailed below.

FOSTER's approach was structured around clusters of interventions, five of which are considered here: three successful clusters and two that are said to have failed to achieve their objectives. The successful clusters include: a) support to the NEITI; b) support to demand-side actors to promote transparency and accountability in the Nigerian oil sector; and c) support for the passage of the Petroleum Industry Bill (PIB). The clusters of interventions considered to be failures are: a) an oil spill mapping social media project, and b) support to the Department of Petroleum Resources (DPR).¹⁵ We briefly describe each of these clusters before considering the factors associated with their success or failure.

Cluster 1: Nigerian Extractive Industries Transparency Initiative (NEITI)

The Extractive Industries Transparency Initiative (EITI) is a global standard to promote open and accountable management of natural resources. Its main task is the production of regular audit reports that assess, review and reconcile all revenue and investment flows in the oil and gas sector to and from government.¹⁶ In Nigeria, NEITI's work has been criticised for its limited impact and its uncomfortable position as a government agency, as established by the NEITI Act 2007 (Shaxson, 2008). Indeed, the governing board of NEITI, the National Stakeholders Working Group (NSWG),¹⁷ is nominated by the Nigerian president, which limits the amount of pressure the NEITI Executive

¹⁴ Pers. Comm., member of implementing team.

¹⁵ Each cluster was written up in a detailed internal report for the FOSTER team's learning (see also Lopez Lucia et al., 2017).

¹⁶ The audit also looks at physical flows and their allocation between producing companies and government during the year in accordance with the rules and principles of EITI.

¹⁷ The NSWG should be constituted of 15 members drawn from the extractive industry, civil society, labour unions in the extractive sector and representatives of the six geo-political zones of Nigeria.

Secretariat can put on the government to act on the audits findings. In this context, FOSTER designed a cluster of interventions to support NEITI's mission through its engagement with all relevant stakeholders. This cluster included a mix of capacity-building, technical support, training, advice and dissemination of information.

The NEITI cluster of intervention worked with NEITI at different levels to promote reform. FOSTER helped NEITI apply EITI standards through technical advice and an improvement of internal systems, with the objective of enhanced transparency, such as through NEITI's website (EITI International Secretariat, 2015). This technical support enabled NEITI to adopt a Strategic Plan (NEITI, 2013) and a Medium-Term Sector Strategy, improving its planning capacity, as well as to implement the new EITI standards introduced in 2013 (see US Department of Interior, 2013). The knowledge and access of a FOSTER staff member who had done his doctoral research on NEITI and had a strong relationship with NEITI's former chair was particularly useful in implementing these interventions, in particular in gaining the trust of NEITI Executive Secretariat staff.¹⁸

By connecting, empowering and improving the capacities of stakeholders to play their role within NEITI, FOSTER helped them understand and disseminate information more effectively. NEITI audit reports are extremely dense and technical, which makes it difficult for stakeholders to understand and use them effectively. To remedy this, FOSTER designed several interventions to build the capacities of NEITI Executive Secretariat staff and other stakeholders (e.g. the media and CSOs) to analyse, simplify and disseminate information from NEITI audit reports through roundtables, training sessions and technical advice (see, for example, NEITI, 2011). All stakeholders interviewed acknowledged the impact of FOSTER's support on their own work. For example, the then-NEITI executive secretary

¹⁸ Interviews with FOSTER staff, Abuja.

highlighted that the Executive Secretariat now automatically simplified reports internally and adapted them to various audiences, something that did not happen prior to FOSTER's intervention.¹⁹

FOSTER also supported public awareness and advocacy initiatives on remediation²⁰ related to NEITI's 2009–2011 audit report findings²¹ and supported the dissemination of simplified information on the audit report and provided technical support to the advocacy initiative of a coalition of non-governmental organisations (NGOs) led by Publish What You Pay (PWYP). PWYP and NEITI, including the executive secretary, emphasised the key role FOSTER played in the recovery of \$540 million in unremitted oil and gas revenue through the NEITI audit remediation process.²²

Cluster 2: Engagement with Demand-Side Actors

In the early year of FOSTER, it had been hoped to be able to work closely with the government on reform measures. However, after the election of President Goodluck Jonathan (inaugurated in May 2011), the space to work with supply side actors was limited due to the policy paralysis and uncertainty – and in some cases wilful resistance to fundamental oil and gas sector reform – that characterised the Jonathan administration from 2011-2015 (Gboyega et al., 2011; Owen & Usman, 2015). Therefore, from 2013, FOSTER increasingly oriented its support towards the demand side, given the Jonathan administration's lack of appetite for institutional reforms.²³ This involved seeking evidence to enable a better understanding and diagnosis of problems in the sector and building a wider appetite for reforms through work with demand-side partners able to advocate for these (professional bodies, media outlets,

¹⁹ Interviews with NEITI former Executive Secretary and FOSTER staff, Abuja.

²⁰ Remediation refers here to the process by which outstanding payments due from the Nigerian National Petroleum Corporation (NNPC) to the federal government are recovered.

²¹ The NEITI 2009–2011 audit report (NEITI, 2012) identified over \$9 billion in outstanding payments due from the NNPC. The remediation process aims to obtain reparation of these; however, after its publication, the institutions responsible for remediation did not take any action.

²² Interviews with NEITI former Executive Secretary, FOSTER staff and PWYP staff, Abuja4.

²³ Interviews with current and former FOSTER staff, Abuja.

think tanks, research organisations, trade unions, CSOs). However, working with demand-side actors in the Nigerian context was not straightforward: CSOs lacked the capacities and skills needed to undertake advocacy initiatives; the quality of investigative journalism was low; and media houses faced influence from political elites. To tackle this, FOSTER commissioned and disseminated research and provided support and capacity building for the media, CSOs and the private sector.

FOSTER commissioned several pieces of research to enhance public debate on core oil sector issues. In 2011, FOSTER conducted preliminary research into Nigeria's systems and processes for selling its crude oil.²⁴ This showed the waste, politicisation and abuse of discretion of the Nigerian National Petroleum Corporation's (NNPC's) processes. Later, after a mass demonstration against the government's decision to remove fuel subsidies, FOSTER commissioned the 'Citizen Guide to Energy Subsidies' (CPPA & IISD, 2012). This explained the inefficiencies and corrupt practices of the fuel subsidies system and made the case for a full deregulation of the downstream sector.²⁵ In 2013 and 2014, FOSTER commissioned polls to monitor the effectiveness of price controls, revealing that over 52% of Nigerians purchased petrol at a cost over the subsidised price.²⁶ Further research commissioned by FOSTER on oil theft showed that while oil theft networks are international, the core responsibility and the most efficient level of response lie in Nigeria (Chatham House, 2013; SDN, 2013).

The initial assumption driving FOSTER's media support was that enhancing media content would increase demand for advocacy and information dissemination, but focusing only on addressing

²⁴ Crude oil sales accounted in 2011 for approximately 70% of Nigerian government revenues.

²⁵ The downstream sector includes refining, distribution and marketing. Deregulation of the downstream sector in which context would mean no longer regulating the price of fuel and removing fuel subsidies.

²⁶ This triggered a response from government. The Petroleum Products Pricing Regulatory Authority (PPPRA) showed its interest in monitoring sales above subsidy prices, and the minister of petroleum publicly requested the help of CSOs in monitoring prices around the country.

knowledge gaps about the oil and gas sector proved unsuccessful.²⁷ The approach was therefore reoriented to build the skills of journalists to interrogate data, develop stories, investigate issues, identify sources and cultivate relationships. This resulted in Nigerian journalists publishing more stories on the oil sector, with a higher degree of effectiveness;²⁸ for example, many journalists trained by FOSTER exposed dubious government-to-government crude oil deals.²⁹

In 2013 and 2014, FOSTER built on its oil thefts reports by giving grants, training and capacity-building support to CSOs to implement advocacy strategies demanding action on oil theft. This led to the establishment in mid-2013 by the Navy of a ‘Combat Oil Theft’ page on its website³⁰ and to the disclosure by NNPC, the Navy, the Nigerian Air Force and the Joint Task Force of their efforts to deal with oil theft in 2014. From 2013, FOSTER supported establishment of the Oil Revenue Tracking Initiative (ORTI) – a media platform on oil and gas revenue.³¹ ORTI was given a grant, information and support to develop an advocacy campaign to improve the level of public dialogue. It highlighted areas of revenue leakage and published a ‘transparency index’ to compare the accessibility and relevance of data in the public domain from key agencies responsible for the oil and gas sector.³² An evaluation of FOSTER found the data publicised by ORTI (together with the Chatham House report on oil theft) contributed to NNPC publishing more data on its website than ever before.³³

Overall, this cluster of interventions led to a significant improvement in the level and quality of public debate on oil in Nigeria. Interviewees asserted that, had FOSTER not existed, the debate would not

²⁷ Interview with FOSTER staff, Abuja.

²⁸ Interviews with FOSTER staff and Nigerian journalists, Abuja.

²⁹ Notably in the Berne Declaration report story that raised concerns about sales by NNPC to oil traders based in Switzerland at below-market rates. It also accused Swiss trading firms of dealing with Nigerian individuals and companies suspected of corruption. See, for example, <https://www.premiumtimesng.com/news/149192-nnpc-oil-marketers-connive-swiss-oil-dealers-rob-nigeria-billions-dollars-report.html>.

³⁰ <http://cot.navy.mil.ng/index.php>.

³¹ <http://oilrevenueug.org/>

³² After FOSTER supported the upgrade of the ORTI website, the number of visitors increased from 150–200 to 21,000 per day.

³³ FOSTER internal documentation.

have been as informed or extensive.³⁴ The investigative skills of oil sector journalists and the capacities of CSOs also improved. Journalists interviewed claimed they did not know any serious journalist in Abuja and Lagos working on the oil sector who had not benefited from FOSTER.

Cluster 3: Petroleum Industry Bill

The Petroleum Industry Bill (PIB) was a proposed piece of legislation aiming to provide an overarching framework for the reform of the Nigerian petroleum industry. It planned for a separation of functions along three lines: policy, regulatory oversight and commercialisation/privatisation. Provisions included strengthening and establishing new institutions and regulatory authorities covering national policy and sector oversight, and the corporatisation of government bodies, including NNPC. As a systemic reform, the PIB affects all stakeholders of the oil and gas sector and raised considerable public debate on the potential scope and depth of changes (Gboyega et al., 2011).

The first version of the PIB was presented to the National Assembly in 2008. In 2011, the federal government established a Special PIB Task Force to produce a new draft for presentation to the National Assembly. This new executive version of the PIB was sent to the National Assembly in August 2012. At this point, the House of Representatives established an *ad hoc* committee to examine the PIB, eventually adopting a redrafted version in June 2015. However, the Senate did not follow the example of the House and chose not to adopt the draft PIB. As it must be passed by both the House and the Senate to become a law, efforts to pass the Bill during the 2011–2015 legislature stalled.

³⁴ For example, ORTI's founder noted that, during the 2015 election campaign, every political platform had to address the issue of natural resources, which was unusual. For him, this was a result of FOSTER's four-year engagement with demand-side actors.

From 2011 to 2015, FOSTER tried to improve the Bill's provisions and support its passage under President Jonathan's administration. The underlying assumption was that lack of consultation and information on the PIB was the main hindrance to its passage. Consequently, the cluster was designed to engage all stakeholders and improve the quality of their knowledge on the content of the PIB and international best practices. Hundreds of pages of the PIB were broken down through policy briefs and fact sheets, making them accessible to non-technical audiences. FOSTER worked with the Special PIB Task Force, the Ministry of Finance, the House of Representatives and the Senate to improve their knowledge of the PIB and to identify reformers to obtain the buy-in of these institutions for the passage of the PIB. This resulted in the integration of several FOSTER recommendations into various versions of the PIB.³⁵

FOSTER also worked with civil society actors to improve their understanding of the PIB and build their advocacy capacity to increase pressure on the executive and the National Assembly. It gave grants to independent research institutions, policy think tanks and law firms to undertake research on the PIB and connected them to CSOs and journalists, who then disseminated the information. Many articles in this period used FOSTER information to highlight problems with the PIB.³⁶ FOSTER also provided private sector actors with their first platform to discuss how the PIB affected them as a group with the aim of increasing the private sector's input into the PIB process and supporting the creation of a coalition to promote a unified voice on PIB issues.

³⁵ FOSTER internal documentation, interviews with Nigerian government officials and current and former FOSTER staff, Abuja. While several interviewees, including from within government, testified to an improvement in the National Assembly's knowledge on the PIB, some evidence also suggests limits to FOSTER's work at the National Assembly, which was very much constrained by the political environment. Interviewees highlighted vested interests of various institutional actors and, hence, limitations as to what could be achieved. It was also challenging to engage Senate members who were aligned with the executive position on the PIB and who were, in addition, preparing for the next general elections.

³⁶ See, for instance, Alohan (2015) and Okwe (2015).

Despite all these efforts, the PIB failed to become law. The House of Representatives passed the Bill in 2015, but the Senate failed to do so before the end of the Administration. The administration of President Buhari, elected in 2015, split the Bill into different components. The first of these – the Petroleum Industry Governance Bill – passed both the House of Representatives and the Senate in 2018, but the President then declined to sign the bill in July 2018. These events reflect the difficulty of achieving systemic reform on an issue that lies at the heart of the country’s political settlement.

Cluster 4: Social media oil spill map

Oil spills are a major economic and environmental challenge in Nigeria, with over 1,500 a year. The 2011 Environmental Assessment of Ogoniland³⁷ by the UN Environment Programme (UNEP) estimates that the clean-up of this region of the Niger Delta will cost \$1 billion and take up to 30 years (UNEP, 2011). Beyond the cost in terms of oil production and clean-up, the liabilities linked to environmental damage are difficult to estimate but are considerable. The continuous degradation of the coastal environment hampers fishing and makes land infertile. It threatens the traditional livelihoods of local people, who then are drawn to illegal activities and militancy (ICG, 2012: 4; Onuoha, 2013: 283).

No effective national mechanisms are in place to deal with oil spills. The Department of Petroleum Resources (DPR) and the National Oil Spill Detection and Response Agency (NOSDRA)³⁸ have mandates to deal with oil spills. However, their responsibilities overlap resulting in significant inefficiencies, and legislation in this area is unclear (see Maitland & Chapman, 2014). Liability for many of the spills lies partly with NNPC, yet the DPR reports to the Minister of Petroleum Resources,

³⁷ Ogoniland is a region covering around 1,000 km² in Rivers State in the Niger Delta. It has been the site of oil industry operations since the late 1950s (UNEP, 2011).

³⁸ <http://www.nosdra.org.ng/>

who, until recently, was also the head of NNPC. This limits the DPR's ability to be an effective regulator. NOSDRA does not have enough power or resources to enforce the regulatory framework to deal with oil spills³⁹ or enough mapping and tracking capabilities to provide sufficient evidence on oil spills. Consequently, international oil companies and relevant actors involved with them face few consequences for failing to uphold environmental standards and regulations.

FOSTER's 'Citizens' Engagement through Social Media Oil Spill Map' intervention aimed to remedy the information and evidence deficit resulting from NOSDRA's weaknesses through the launch of a community-based oil spill map. The objective was to give a voice to communities living with oil spills to put pressure on the responsible authorities. Initially, three phases of interventions were planned in this cluster. In 2011–2013, the first phase supported the West African NGO Network (Wangonet) to develop an online portal to capture and disseminate information and a mobile app to track and report oil spills in the Niger Delta. This phase included training and equipping field operators identified by the National Coalition on Gas Flaring and Oil Spills in the Niger Delta (NACGOND), a network of NGOs based in the Niger Delta, to serve as oil spill monitors and reporters.

The cluster was driven by the assumption that local communities have strong interests in preventing and remedying oil spills; this assumption proved to be unfounded. NACGOND's access to the relevant communities turned out to be much more limited than hoped, and the assumption that communities have strong interests in preventing and remedying oil spills was questioned when the local community denied visiting FOSTER staff access to the oil spill without payment.⁴⁰ The portal did not go on to be used for advocacy purposes by NACGOND, and FOSTER terminated the intervention after the first phase before starting its support to NACGOND's advocacy strategy.⁴¹

³⁹ UNEP (2011) highlights NOSDRA's lack of proactivity given the limited resources allocated to the agency where it must rely on oil industry logistical support to plan its inspection visits.

⁴⁰ FOSTER internal documentation; interviews with FOSTER staff, Abuja.

⁴¹ ⁴¹ Interviews with FOSTER staff, Abuja.

Cluster 5: Department of Petroleum Resources

The Department of Petroleum Resources (DPR), the industry regulator, reports directly to the Minister of Petroleum Resources and is intended to act in the interests not only of government and operators but also of communities, consumers and downstream beneficiaries of oil sector operations. Key tasks are to supervise all petroleum industry operations carried out under licences and leases; to enforce safety and environmental regulations; to keep updated records on petroleum industry operations (petroleum reserves, production and exports of crude oil, gas and condensate, licences and leases, etc.) and inform the government; and to process all applications for licences. Under President Jonathan, the DPR had to operate in a context that was unfavourable to reforms and characterised by extensive corrupt practices, allegedly enabled by the then-Minister of Petroleum Resources (Awofeso & Odeyemi, 2014; Eniayejuni & Evcan, 2015).

This cluster started in 2012 after the nomination of a new director of the DPR, who had formerly worked at Shell. Because of his pro-reform stance and desire to transform and improve the DPR's operational deficiencies, DFID and FOSTER decided to engage with the agency on his request.⁴² The director went on to become the chair of the technical committee drafting the PIB, which further increased FOSTER's interest in working with him.⁴³ The objective of this cluster was to support the director of the DPR in his mandate and to make the DPR more transparent, accountable and efficient⁴⁴. The engagement took place in two phases and included a mix of capacity-building, training, advice and research.

⁴² Interviews with current and former FOSTER staff, Abuja.

⁴³ The PIB draft at this time provided for the DPR to be transformed into an independent regulator, the Nigerian Petroleum Inspectorate.

⁴⁴ FOSTER internal documentation.

Phase 1 took place from 2011 to mid-2012, and aimed to identify the DPR's needs, offer advice and build its staffs' skills and knowledge to formulate and manage the envisaged restructuring. FOSTER consultants ran a change management session for the DPR Transformation Team and also provided policy advice and recommendations on how to improve licensing rounds, following the announcement of its intention to hold a marginal field licensing round in late 2012. This was a key test of whether the head of DPR could be a 'pocket of effectiveness' (Roll, 2013) within a challenging political environment. Unfortunately, he proved not to be, after the planned round did not happen and the minister granted a number of licences on a discretionary basis.

Phase 2 started during the second half of 2012 and aimed to provide advisory support to the DPR Transformation Team in planning for the reform agenda. However, tensions arose between a (FOSTER-funded) embedded advisor close to the director and the FOSTER team. To compensate, FOSTER engaged further advisors, but difficulties then arose between the original advisor and one of the new hires, as well as with the DPR Transformation Team. Ultimately, the engagement came to an end when the director was removed from his position by a more senior official after he started to implement reforms.⁴⁵

Interviews and FOSTER's internal documents suggested different reasons for the failure. DFID (2013) points to a funding cut at DFID level and the proximity of the general elections, which reduced the space for institutional reforms. In interviews, a DPR Transformation Team member asserted that FOSTER had improved the DPR's vision and understanding of itself as an independent regulator working for the interest of Nigerian citizens.⁴⁶ It was also claimed that many changes later implemented by DPR had resulted from FOSTER support. However, FOSTER did not track related,

⁴⁵ Interviews with FOSTER staff and consultants, Abuja.

⁴⁶ For example, FOSTER consultants are said to have helped draft corporate statements and identify the core values of the DPR. Interview with a member of the DPR Transformation Team, Abuja.

if unintentional, results on this cluster that could have helped in providing more conclusive evidence that its work led to some successes, even if the overall cluster failed to achieve its objectives.

Having laid out the nature of the clusters examined, the next section looks across these five clusters at some of the common factors driving FOSTER's successes followed by a discussion that tries to draw out the factors that led to failures.

Success factors

Delivery of results under FOSTER was as much about how the programme worked as about what it did. The leadership and team were critical to programme delivery. DFID and the implementing partner (Oxford Policy Management) deliberately sought a fully Nigerian permanent programme management team and identified team members who provided high level political access and leverage. The team's contacts and networks have been instrumental in their ability to respond at the right time to the right issues.

The FOSTER approach to engaging with both supply- and demand-side partners was based on first identifying policy challenges within the sector that required reform and then trying to work with whoever was most influential within the sector to advance reform on the issue. The programme aimed to leverage its partners' own efforts and political capital to achieve reform in areas that mattered to them. The core FOSTER staff have remained largely the same throughout the project, enabling the team to develop their networks and knowledge and build on this social capital. Access and knowledge were key to identify the right people to work with and to serve as levers between the partners and the programme. Hence, FOSTER staff were politically well-informed and had skills and access to identify

and engage with key actors (interviews with FOSTER staff; see also Booth & Unsworth, 2014: 16-19).

Another reason for FOSTER's successes was the flexibility with which it could choose its partners. Many programmes define their partners in advance, for instance, a government ministry, agency or a organisation or institution. FOSTER's experience suggests that the appropriate partner to achieve programme goals can shift over time. Because it was not locked into working with particular organisations up front, the programme could switch its focus towards partners and issues where the likelihood of success was greatest. FOSTER did not select the activities it undertook through 'calls for proposals'; rather proposals came from discussions between the core team and partners about the most important entry points for reform, ensuring greater coherence and alignment with the overall objectives of the programme. Flexibility in choosing partners enabled FOSTER to engage with new organisations both inside and outside government based on opportunities for reform, as well as to disengage from partnerships that were not yielding results. No money was pre-allocated to particular activities, encouraging experimentation and adaptation. FOSTER's flexibility and ongoing learning have enabled it to seize political opportunities to support reform (e.g. NEITI) and to quickly re-orient interventions (e.g. work with the media). More generally, the approach enabled FOSTER to adapt to the political context by shifting the balance of its work between demand- and supply-side actors.

FOSTER evolved to become a programme that worked discreetly, not branding any documentation and often not advertising that interventions were funded by FOSTER. This discreet approach was not designed; it came about in the first year of the programming after a policy brief was published under the FOSTER brand and a television interview was conducted using FOSTER branding. DFID and the FOSTER team agreed shortly afterwards that this would not be a sustainable way of operating, because

FOSTER or DFID/UKAid branding created disincentives for partners to use it.⁴⁷ Removing FOSTER branding helped the programme form relationships with partners and individuals who otherwise may have been reluctant to engage with a DFID/UKAid programme or who would have seen the branding as carrying a risk that they would be labelled as a reformer in an unfavourable political climate.⁴⁸ Notwithstanding the absence of branding, FOSTER commissioned a significant amount of research around oil sector issues and disseminated the reports to all relevant stakeholders (e.g., CPPA & IISD, 2012; Chatham House, 2013; SDN, 2013). It put an emphasis on simplifying information already available before disseminating it to stakeholders. Many actors came to see FOSTER as a neutral repository of knowledge and a source of reliable information on the sector, and as a result FOSTER was able to help shape public debates on the sector.⁴⁹

FOSTER commissioned fairly regular PEAs by experts with strong networks within the sector (and politics and policy more broadly), in addition to some issue-specific PEAs that guided the design, delivery or review of interventions or clusters of interventions. For example, an internal PEA study on the fuel subsidy system identified corruption and inefficiencies in the supply chain and helped the team to identify which issues to work on, as well as key stakeholders and how to interact with them.⁵⁰ Findings from PEAs were validated with partners and stakeholders at quarterly workshops to consider the implications for subsequent programming. This validation process was an important tool for ‘sense-checking’ PEAs and ensuring they reflect a nuanced perspective of the political economy context (see Hudson & Marquette, 2015: 72).

⁴⁷ Interviews with DFID and FOSTER staff, Abuja.

⁴⁸ A similar approach has been adopted by the Somalia Stability Fund for similar reasons (Laws, 2018). On aid ‘branding’ see also Vollmer, 2012.

⁴⁹ Interviews with FOSTER staff, staff from CSOs and Nigerian journalists, Abuja.

⁵⁰ FOSTER internal documentation; interviews with FOSTER staff, Abuja.

In addition to formal PEAs, the FOSTER team had the freedom to think, operate and communicate in a politically informed way on a day-to-day basis. Being deeply informed by the political context in which they worked was a critical element to their successful engagement with government and accountability actors and to building the relationships that are a vital part of effective programming in Nigeria. As one FOSTER team member reported, ‘Each time you go to an organisation, you put your ears to the ground, to know who has been removed, why he has been removed, who has been appointed, where they are sent to’.⁵¹ This iterative and informal way of capturing political information has been particularly important, especially when combined with the more formal PEA work.

Tackling the entrenched interests of elites is a potentially uncomfortable area for donors. It requires engagement with local politics, experimentation to seek out different strands of commitment for reform within and outside government, and sometimes significant risk. It can, however, deliver results (Cheng et al, 2018). Another key success factor for FOSTER, therefore, was DFID’s appetite for intelligent experimentation. At the time that the FOSTER design was selected, DFID had relatively few programmes designed explicitly to think and work politically. However, DFID Nigeria has a long tradition of experimenting with new approaches, grounded in its early work on Drivers of Change. This was born out of the challenges faced by programmes in Nigeria in dealing with a highly complex and fluid governance environment, which made it difficult for more traditional approaches to find traction on reform. Consequently, DFID was open to experimentation with new approaches to support pro-poor change in Nigeria. Perhaps equally important, the DFID lead for FOSTER stayed the same throughout. This is highly unusual: programme leads usually rotate in and out of position at least every three years. Having the same individual committed to the success of the programme over its duration meant that FOSTER had a decision maker and critical interlocutor who was increasingly

⁵¹ Interview with FOSTER staff, Abuja.

knowledgeable, both about the politics of the country and about the sector (see Booth & Unsworth, 2014: 20-21).⁵²

Failure factors

The need for a highly skilled local team is well acknowledged in the TWP case study literature (Laws & Marquette, 2018), but FOSTER's experience suggests that more attention needs to be paid to the challenge of pulling together a team that collectively has these skills and, just as importantly, in retaining them. A team needs people to be politically informed and able to work within a challenging and complex political context; to have strong technical experience, skills and knowledge of the sector and of governance reform; and to have excellent people skills with a demonstrated ability to influence, build and maintain relationships with stakeholders in the sector, as well as with a funder. Considering the long list of necessary – rather than simply desirable – traits that emerging evidence suggests programmes like FOSTER need in their staff, this raises important questions about how to retain staff over five-year donor programmes where fees are static and job posts remain the same. This includes, for example, finding better ways for promotion and pay rises. In general, the FOSTER team has been strong during the five years of the programme, but there have been challenges in ensuring institutional learning and consistency of top level management. This was largely addressed by the end of the programme, but staff turnover at a senior level was an issue throughout the programme's duration.

FOSTER followed the usual donor project processes of evidencing its achievement vis-à-vis log frame output and outcome targets, and these are reflected in the quarterly and annual reports as well as the Project Completion Report (DFID, 2016). It also instituted internal informal mechanisms for sharing feedback on concepts for interventions and progress and problems encountered. This took the form of

⁵² Interview with FOSTER staff, Abuja.

frequent team meetings in which ideas and challenges would be shared and advice and suggestions given by all team members about the best way of proceeding. This also helped to ensure that interlinkages between different components of the programme were considered throughout. This mechanism provided a rapid feedback mechanism enabling adjustments to be made to interventions in real-time. However, this informal process was not well documented.

As a FOSTER associate explained, ‘Identifying change makers and establish[ing] relationships with them is not enough. You need to look at the political context in which they are operating: what incentives and influence they have, would they actually be allowed to do so?’⁵³ Though extensive political analysis was undertaken throughout the programme, it has its limits and is not some sort of ‘magic key’ (Fisher & Marquette, 2016). While PEAs encouraged a culture of critical reflection within FOSTER and were linked to intervention design and quarterly workplans, there was said to be a gap in PEAs linked specifically to the thematic clusters of interventions.⁵⁴ While doing a new PEA for every intervention is unlikely to be appropriate or to represent value for money, a broader quarterly PEA on the overall programme did not offer enough nuance to support the overarching theory of change or the assumptions around specific types of intervention clusters. Political analysis should enable staff to understand ‘how political actors interact and jostle not only with each other but also against, around and with the structural and institutional context they operate in, using the resources and opportunities it provides’ (Hudson & Leftwich, 2014: 7). This understanding of the interactions between structure and agency in political processes was occasionally weak in FOSTER. Learning from this experience, cluster-specific PEAs are now being used under FOSTER’s new phase to enable its management to challenge the assumptions of interventions and enrich the FOSTER team’s discussion on whether it reflects the current political reality.

⁵³ Interview with FOSTER associate, Abuja.

⁵⁴ Interviews with FOSTER staff, Abuja.

FOSTER's processes when initiating a cluster were often very informal. While there was an overall theory of change at the programme level, there were no explicit theories of change at the intervention or cluster level. The case studies assessed as part of this research suggest that at times this sometimes led to design and implementation decisions being undertaken that were not sufficiently linked to a clear logic model on how change would materialise or why reform may be resisted. While it is important to stress that the informality of FOSTER was one of its main strengths, enabling its flexibility and adaptability, it also sometimes hindered its capacity to be strategic and reflect on the 'big picture' in each cluster. A lack of upfront agreement of what success would look like and under what conditions the funder and/or team would phase-out, or even cut, support created unnecessary tensions. In some cases, FOSTER's interventions failed because of a lack of clarity, or a lack of agreement with local partners, about what they were attempting to achieve.⁵⁵

Finally, DFID has had a high tolerance for risk to results in FOSTER, recognising that it is operating in a politically complex and challenging area, but one where rates of return on the work were likely to be very high. However, FOSTER faced some challenges because of potential mismatches between DFID's institutional incentives and systems and the aims of the programme. For example, although in principle DFID was keen to experiment and take risks, respondents suggested that – in practice – DFID seemed to become more risk averse over time as the programme proceeded. While there is no way to say conclusively that this was the case, the recent shift towards 'payment by results' may work to make DFID and its implementing partners more risk averse overall (Clist, 2016). DFID has had lower risk appetite in other areas such as reputational risk where work emanating from the FOSTER team could potentially undermine UK relationships with Nigeria – beyond DFID, including other UK government departments and private sector actors - and threaten broader aid programming in the country. In this

⁵⁵ Interviews with FOSTER consultants and CSO staff, Abuja and Lagos.

respect, DFID expected the implementing partner and the FOSTER team to mitigate these risks but was not always able to make the reasons for its concerns clear.

Conclusion

This paper has looked at how FOSTER took advantage of its experimental, TWP-style design to enable it to adapt to its challenging political environment and to launch creative and innovative interventions. The most significant success factors have been the appetite for risk, the use of a flexible partnership model and decentralised Nigerian team, and the portfolio approach to experimentation. The most significant challenges for FOSTER have been the political environment and the complexity of the oil sector in Nigeria. The programme has had to respond to these factors alongside the other challenges linked to the difficulties of implementing any TWP-style programme, such as finding the right balance between flexibility and informality on the one side, and good management procedures on the other side; how to use political analysis appropriately; how to monitor and evaluate results and integrate learning into programming; and how to balance risk with opportunities for results.

FOSTER has managed to achieve some important successes in an unfavourable political environment because of taking this approach, and insights from these are important for learning; however, it is just as important to develop a better understanding of the inevitable failures. Political complexities and inevitable changes make some failure unavoidable, but the research also helps to illuminate some of the challenges of the approach itself for development programmes, including some of the trade-offs that have to be made when implementing this approach. This paper thus hopes to make salient the value of considering both success and failure for better learning and adaptation going forward (Laws & Marquette, 2018; ICAI, 2014). As McConnell, points out ‘Some shortcomings or failings permeate

virtually all policies’ (McConnell, 2010: 346), and the decision to frame a policy as a success or failure is often political, rather than the result of ‘neutral’ policy analysis (Marquette & Peiffer, 2018; Boven’s & t’Hart, 2016).

This points to an important lesson – the need for programmes of this kind to build in an independent mechanism to evaluate their successes and failures. While annual reviews by the funder can go some way to achieve this, the speed with which they must be undertaken frequently does not allow for conversations with all the relevant stakeholders. Having an independent group conduct a rigorous investigation of strengths and weaknesses can provide valuable lessons for the project team and useful lessons for the wider community, particularly if the time frame is sufficiently long to consider sustainability of the intervention’s impacts. This suggests that donors may wish to consider commissioning separate long-range studies that look at the impact of programmes over a 10 or even 20-year time horizon - as recently done by DFID for its power sector work in India (Deloitte, 2015) or on ten years of security sector reform programming in Sierra Leone (Albrecht & Jackson, 2015) - in order to capture the extent to which a series of programmes have contributed towards major governance changes over the longer-term. Better understanding the longer-term impact of investment in programmes such as FOSTER could help to ease the sorts of political and bureaucratic barriers and incentives that make it challenging for the development of similarly innovative programmes in the future.

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