

REQUEST FOR EXPRESSIONS OF INTEREST



AFRICAN DEVELOPMENT BANK
Immeuble CCIA, Abidjan, Côte d'Ivoire
African Natural Resources Centre

Department issuing the request: AFRICAN NATURAL RESOURCES CENTER (ANRC)

Position: INDIVIDUAL CONSULTANT TO DEVELOPMENT OF THE GUIDING TEMPLATE FOR THE AFRICAN PETROLEUM LEGISLATION ATLAS (APLA) PROJECT

Place of assignment: Home based

Duration of the assignment: Twenty (20) Working Days

Tentative Date of commencement: April 2022

Deadline for applications: 10 March 2022

Applications to be submitted to: Maali Harrathi (M.HARRATHI@AFDB.ORG) with copy to Promise Aderibigbe (P.ADERIBIGBE@AFDB.ORG)

PS: Application e-mail must include the name of the Consultant Position that you are applying for.

Any questions and requests for clarifications may be sent to:

Maali Harrathi(M.HARRATHI@AFDB.ORG)

with copy to: Charles Nyirahuku (C.NYIRAHUKU@AFDB.ORG)

TERMS OF REFERENCE FOR AN INDIVIDUAL CONSULTANT

DEVELOPMENT OF THE GUIDING TEMPLATE FOR THE AFRICAN PETROLEUM LEGISLATION ATLAS (APLA) PROJECT

I. BACKGROUND INFORMATION ABOUT ANRC, ALSF AND THE APLA PROJECT GUIDING TEMPLATE

The African Natural Resources Centre (ANRC) is a non-lending department of the African Development Bank (AfDB) with a mandate to assist African countries maximize outcomes derived from exploitation of their natural resources. The Centre enhances the capacity of African countries to achieve inclusive and sustained growth from natural resources. To achieve this, it provides practical knowledge and expertise, advisory services, technical assistance and advocacy for improved and transparent management of renewable and non-renewable resources. The core activities of the centre include: (i) knowledge building; (ii) advocacy; (iii) technical assistance; and (iv) policy advice.

The African Legal Support Facility (ALSF or “Facility”) is an international organisation established by Treaty in 2008. The Facility is hosted by the AfDB. Its membership is open to (a) All AfDB Member States (b) other states (c) AfDB and (d) other international organisations or institutions. The ALSF’s main objectives include: (i) assisting the AfDB’s Regional Member Countries (RMCs) address litigation brought against them by vulture funds (and other such entities); (ii) creating an avenue for the AfDB’s RMCs to access technical advice when negotiating complex commercial transactions relating to extractive resources, infrastructure, PPPs, debt, and related commercial agreements; (iii) investing in and organizing the training of legal counsel from participating RMCs to equip them with the legal expertise necessary to better represent their countries; and (iv) the development of knowledge products.

The African Petroleum Legislation Atlas (“APLA”) is a project aimed at legislation gathering, organization, and dissemination, as well as capacity building and capacity utilisation. The APLA Project comprises three main activities, namely: (i) the creation of the APLA platform, a free online one-stop resource for Africa’s petroleum legal frameworks (petroleum laws, regulations and related legislation) with interactive features to provide comparison of laws amongst countries; (ii) production of a guiding template, an annotated document that outlines a menu of legislative solutions to assist countries in the preparation or revision of their petroleum laws; and (iii) capacity building through training (on-ground and remotely) of African students, researchers and legal professionals in the use of the online platform and on overall issues in petroleum law.

Together, the ANRC and ALSF aim to develop the APLA Guiding Template which is a petroleum law drafting and reference tool that provides guidance on the elements of a petroleum law covering all potential issues that could feature in such petroleum law based

on Africa's present realities.

The development of the APLA Guiding Template will be managed by a committee comprising officials of ANRC and ALSF (the "APLA Secretariat").

II. THE APLA PLATFORM GUIDING TEMPLATE

The Guiding Template is a tool that legislative drafters may utilize in developing legislation, or may serve as an educational instrument for students, government ministries, parliamentarians, petroleum sector regulatory bodies, and civil society to better understand some of the possible legal arrangements or architecture for the petroleum sector. As a petroleum law drafting and reference tool, the Guiding template represents an enhanced starting point for its users by providing a clear and practical foundation on which they can thoroughly consider topical issues supported by sample drafting language as they develop, modify, or simply assess petroleum legislative frameworks that fit each country's unique context.

The Guiding Template aims to be responsive rather than prescriptive, to provide a resource that is sensitive to the distinct character of each African country, its existing legal framework, and the specific context in which each petroleum sector is situated.

The APLA Guiding Template **IS NOT** a model petroleum law¹. A model petroleum law is a proposed set of legislative provisions addressing a specified and cross-referenced set of subjects pre-determined to be both desirable and adequate, and which states who seek uniformity may choose to adopt, in whole or in part. The objective of a model petroleum law would be to create identical or similar law among a group of sovereign states.

III. RATIONALE FOR THE CALL FOR A CONSULTANT TO DEVELOP THE APLA GUIDING TEMPLATE

In the face of new discoveries of oil and gas resources and a growing trend towards transparency, several African countries have adopted new petroleum laws over the past couple of decades, with more revisions and new enactments expected. Many of these countries have sought comparative information and guidance on international benchmark practices, which revealed an acute absence of comparative data on petroleum laws. Moreover, there is a conspicuous lack of readily available Africa-centric templates or guidelines in the industry.

The APLA Secretariat seeks to procure the services of an individual consultant specialized in oil and gas sector to develop the Guiding Template. These terms of reference (TORs) describe the scope of services that will be performed by the consultant.

IV. THE ROLE OF THE CONSULTANT

The development of the Guiding Template is to provide AfDB's regional member countries with specific guidance on setting continental standards for optimizing benefits from oil and gas resources, including ways of increasing compliance and limiting loopholes enabling illicit financial outflows among others.

The Guiding Template will consist of numerous topics that can be addressed in a petroleum law. The topics consist of matters commonly addressed in a petroleum law as well as matters that are the subject of current and salient discourse in the sector. The topics are to be divided into different parts (including A through I) as shown below:

- Part A: Preliminary
- Part B: Petroleum Rights
- Part C: Licensing
- Part D: Development and Production of Petroleum
- Part E: Payments
- Part F: Environment and Decommissioning
- Part G: Local Content and Technological Transfer
- Part H: Health and Safety
- Part I: Miscellaneous

The primary role of the consultant during the development of the APLA Guiding Template will be to develop a list of sub-topics under each part and provide sample provisions for each topic².

i) *Topics*

Each topic is approached in the same format: a brief introduction to the topic, including a definition and key (big picture) issues for consideration and two conceptually distinct examples. In few cases, only one example is proffered, largely on the basis of a common approach to the topic. The topic list of the Guiding Template is designed to be exhaustive and therefore cannot be adopted blindly by any country. Rather it should, primarily serve as a checklist for issues that are applicable to the local context and users must carry out the due diligence necessary to identify the topics that are responsive to the local context.

ii) *Sample Provisions*

Generally, each topic has two distinct examples that are drawn from or inspired by current African petroleum laws as well as other country petroleum laws or drafted de novo. Examples are edited for clarity and utility, so as to present the reader with a provision that can be understood and replicated or easily tailored for the local country context. These examples are not proffered as the only possibilities to address any given topic but are simply a small sample of some ways that legislative drafters have incorporated principles and

^{2 2} For ease of reference and to see how the Guiding Template would look, please see the following link of the AMLA website:

<https://a-mla.org/en/guidingtemplate>

contemporary issues into current legislation. This point cannot be over-emphasized – similar to each topic, it is crucial that each example is understood as an indicative provision and the necessary due diligence be carried out to confirm its applicability or its adaptability in order to achieve responsiveness to the local context.

V. SECRETARIAT’S ROLE IN THE DEVELOPMENT OF THE APLA GUIDING TEMPLATE

The APLA Secretariat will remain responsible for the overall management of the APLA Guiding template.

Specifically, the role of the Secretariat will be among others, to:

- i) Procure a consultant with expertise in the oil and gas sector tasked with developing the Guiding Template.
- ii) Provide overall support and supervision of the consultancy work.
- iii) Monitor the work being conducted by the consultant.
- iv) Organise regular meetings between the team of experts and the APLA Secretariat to receive updates and gain insight on the work being conducted.
- v) Revise and submit comments to reports submitted by the consultant.

VI. CONSULTANT QUALIFICATIONS

The consultant must meet the following qualifications:

- Holder of a Master’s degree in Petroleum law or Business law with strong experience in legal research, analysis and drafting;
- Demonstrate at least 10 years of relevance experience in legislative analysis and drafting;
- Relevant experience with the African petroleum sector covering among others policy, regulation, strategy, private sector and business development;
- Accomplished at least two related research studies in the last five (5) years; and
- Excellent writing skills in English or French, knowledge of both languages being an added advantage.

VII. CONSULTANT SELECTION PROCESS AND RELATED MATTERS

1. The Consultant will be selected in accordance with the African Development Bank’s Implementation Manual relating to the Procedures for Acquisition of Consulting Services funded by the Administrative or Capital Expenditure Budget of the Bank Group.
2. The candidates shall be evaluated based on the following criteria:

CRITERIA	MARKS (%)
General qualifications and adequacy for the proposed assignment	30
Similar experience in the area of expertise of the assignment as described in the Terms of Reference and understanding the terms of reference (Technical Proposal)	50
Experience with the Bank or other international donors	10
Knowledge of the Region (environment of the Assignment)	5
Language capacity (Excellent technical writing in English and French is an advantage)	5
TOTAL	100

Applicants are requested to submit a brief technical proposal in line with the objective and scope of work in addition to their CVs. Only the best candidates scoring 70% and above will be shortlisted and requested to submit financial proposals. Appendix 1 gives a template for submission of CVs.

VIII. DURATION OF THE ASSIGNMENT

The assignment shall consist of about 20 person days. The work shall commence as soon as the consultant is selected and shall be completed within 3 months from commencement.

IX. DELIVERABLES AND MILESTONES

	Activity	Deliverable	Time
1	Consultant's pre-project meeting	Common understanding of the project	0
2	Submission of the Inception report	Inception Report	0+2 weeks
3	Revise and submission of comments on the Inception report	Reviewed Inception Report	0+4 weeks
4	Submission of the Interim report	Draft Report	0+8 weeks
5	Revise and submission of Comments on the Interim report	Reviewed Draft Report	0 +10 weeks
6	Submission of Final report	Final Report	0+ 12 weeks

X. CONDITIONS OF SERVICE

The African Development Bank conditions for retaining short-term consultants will apply.

XI. RESPONSIBILITIES OF THE CONSULTANT

The consultant shall make available all project reports and data to the Bank after the Project, as specified in section IV above.

APPENDIX 1 : MODEL CURRICULUM VITAE (CV)

Title of the Assignment:

Department:

Surname:

Birth Date:

Address:

Telephone:

First Name:

Nationality:

Country:

E-mail:

Are any of your family members (spouse/partner, father/mother, Brother/sister, Son/daughter, etc. employed in the African Development Bank?			Yes <input type="checkbox"/> No <input type="checkbox"/> If « Yes », the following data must be provided
Name	Relationship	Organisation Unit	Place of Assignment

Language Level	Read	Written	Spoken
English	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent
French	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent
Other (specify)	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent	<input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent

Key Qualifications:

Please provide (i) a summary of your experience and training highlighting the most relevant for the proposed assignment, and (ii) the responsibilities which you exercised. Utilise one half-page maximum.

Education (University Level and above only):

Name of University - City - Country	Period		Diploma Obtained	Main Topic / Major
	From	To		

Professional Training:

Name of Training Institution- City - Country	Type of Training	Period		Certificates or Diploma Obtained
		From	From	

Employment Record:

Begin with your most recent employment. For each job since your Master Degree achievement, please indicate:
- Name of the Employer

- Type of Activity/Business of the Employer
- Title / Function
- Place of Employment
- Brief Description (three lines maximum) of main accomplishments and responsibilities

Reference:

Please indicate the name and address of three persons with no family relationship with yourself, familiar with your character and work.

I hereby certify that the responses which I provided above are all, to the best of my knowledge, true, complete and accurate. I acknowledge that an inaccurate statement or essential omission in a personal declaration or another document required by the African Development Bank might result in the rejection of my application, termination of my Contract or any other administrative sanction by the Bank. The African Development Bank may verify any statements which I made in this application.

Date: _____

Signature: