LOCAL CONTENT POLICY IMPLEMENTATION IN THE OIL INDUSTRY IN NIGERIA: AN APPRAISAL

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Abstract

This study appraised local content policy implementation in the oil industry in Nigeria. The policy was introduced by Nigerian government in order to avail Nigerians operators and indigenous service companies to participate in the execution of projects in oil industry which was the exclusive preserve of foreign companies. In spite of the huge financial investment made by the Nigerian government in the oil and gas industry of the economy, it has not resulted in significant benefits for most Nigerians. The study appraised how indigenous oil companies participate in the execution of projects in oil industry and determine the level of compliance with the Nigerian local content policy in oil industry. The study is motivated by the research questions i.e. what is the level to which indigenous oil company participate in the execution of projects in oil industry? Dependency theory was adopted as the theoretical framework. Documentary research method was used and secondary sources were used for information gathering. Thematic analysis was employed in analysing the data. It was discovered that, there are more indigenous players in the Nigeria oil and gas industry now than any other time before the Act. It is recommended that if there are Nigerians who possess requisite skills to execute certain jobs, such capacities are used before expatriates are allowed to get involved, so as to increase the level of indigenous company‘s participation.

Keywords: Local content policy, indigenous companies, capital flight, foreign companies

Introduction

Nigeria's economy is primarily reliant on its oil sector, which generates 90 percent of export revenues and accounts for 41 percent of GDP (World Bank, 2006). Nigeria's oil and gas sector has developed fast and steadily since the first commercial discovery of oil in 1958 in what is now Bayelsa State, and the country today holds the world's tenth-largest oil reserves, believed to be over 25 billion barrels. Nigeria, which is ranked sixth in the Organization of Petroleum Exporting Countries (OPEC) in terms of reserves and daily production, produces over two million barrels per day on average and can increase its reserves to 30 billion barrels (Iledare, 2017).

An estimated $20billion is spent yearly in servicing the industry (Hassan, Akande & Bafeto, 2022). Regrettably, despite these huge sums of money spent in servicing the industry, only a very little proportion of the accruable profit is spent in Nigeria. In the past all fabrication, engineering and procurement were done abroad, resulting in an estimated capital flight of $380 billion in 50 years. With estimated lost job opportunities in the region of 2 million, and the narrative then being that nothing can be done in – country, resulting in the level of Nigeria content value being less than 5% (Nigerian Content, 2020).

Government found this to be detrimental to the economy and ultimately intervened using various policy thrusts and directives which ultimately culminated in the enactment of the NOGICD Act in 2010. In a bid to stem the tide of frequent use of expatriate workers to handle jobs that would have been ordinarily carried out by indigenous workers, the federal government in 2010 enacted the Local Content Act to promote indigenous participation and empowerment in the oil and gas industry in Nigeria The adoption of the local content policy in the oil and gas industry is seen as a strategy to boost the participation of indigenous oil firms in the supply chain of the sector and also to create more employment and training opportunities for the local workforce. The local content law seeks to increase indigenous participation by prescribing a minimum threshold for the use of local services and promoting the employment of Nigerian staff in the industry.

This study therefore aims to appraise the implementation of local content policy in the oil industry in Nigeria; such as participation of local indigenous companies in execution of projects in oil industry and the level of compliance with the policy. In other words, the study appraised the effectiveness and implementation of this policy to determine whether it has achieved its intended objectives. The study attempts to answer the following research questions: What is the level at which indigenous oil company now participate in the execution of projects in Oil Industry under the local content policy? What is the level of compliance with the Nigerian Local Content Policy in Oil Industry?
The main objective of this study is to provide a comprehensive assessment of local content policy implementation in the oil industry in Nigeria. Specifically, the study seeks to: Assess the level at which indigenous oil companies now participate in the execution of projects under the local content policy, determine the level of compliance with the Nigerian Local Content Policy in Oil Industry.

Literature Review

Concept of Local Content

Assessment is a process of collecting data for the purpose of making decisions. Assessment provides us with baseline information for intervention. It is done to evaluate the effectiveness of a programme or policy. Scriven (1991) Assessment considers value, merit, worth, significance or qualities. It may aim to identify what works, for whom, in what respects, to what extent, in what contexts and how (Rawson & Tilley, 2004).
It may examine expected and achieved accomplishments, the result chain, processes, contextual factors and causality in order to understand achievements or the lack thereof (United Nations Evaluation Group, 2005). The term Local Content (LC) aptly christened ―Nigerian Content‖ has been defined as –The quantum composite value added or created in the Nigerian economy through the utilisation of Nigerian human and material resources for the provision of goods and services to the petroleum industry‖ (NNPC Website).

Local Content Policy in Nigerian Oil Industry

The term *Local Content* (LC) aptly christened 'Nigerian Content' has been defined as ‗The quantum composite value added or created in the Nigerian economy through the utilization of Nigerian human and material resources for the provision of goods and services to the petroleum industry' (NNPC, Website). This definition can be termed a textbook definition for Local Content. Obuaya (2005), provided his definition in line with this idea of ―value addition‖. He defines local content as:

> *a set of deliberate orientation and actions to build domestic capacity relevant for service and product delivery comparable within that industry and an opportunity to locally build a sustainable culture of service quality and capabilities exceeding customers' expectations and comparable to international standards through key local personnel and management.*

Though simple, Obuaya's definition reflect on some important indices to examining the concept of LC such as deliberate orientation, capacity building, sustainable capability, product deliverability systems and comparability. The concept of local content is global and not restricted to Nigeria, as it has previously been undertaken in several other oil-producing countries. Warner (2007) views local content from an angle of ‗community content'; stating that ―Ultimately, community content is about realising a competitive advantage for an oil and gas development company in the eyes of both the local population and the country‘s guardians of economic policy.‖ He further observed two distinct public policy strategies for achieving higher local content targets: the first strategy is where the state requires oil companies to give greater preference to those nationals and national suppliers who can compete internationally on cost, quality and timeliness i.e. what can be termed local content participation. This policy is implemented through negotiated conditions and agreements between host countries and multinationals evidenced by issues such as lower pre-qualification and tender appraisal criteria and lower tariff on imported machinery and semi-finished materials not available in the country. This Model is illustrated in the Trinidad and Tobago case, where oil production operators give preference to national Sub-contractors where such are competitive with foreign bidders in skills, availability and price and meet technical and financial requirements, and the case in Nigeria where the local content bill requires about 95 percent managerial and supervisory positions, 100 percent risk insurance and legal services are to be handled by indigenous professionals.

The second policy strategy is where governments propose a ―step change‖ i.e. gradual change of LC capacity achieved by consciously building the capability of national and local skills to access opportunities, considered as local capability development (Warner, 2007). It can also be argued that while the former strategy can be considered more of a ―Push‖ model; the latter is more of a ―Pull‖ model. Warner (2007) considers the latter, a potentially more progressive model that would involve considerable undertakings from the oil companies such as providing direct and prolonged assistance to indigenous firms to improve their quality and reliability. Payment of premiums or subsidies to overcome some of the higher costs incurred in capacity development. Payment of additional insurance premiums to support local suppliers and contractors; investing in physical infrastructure such as buildings and utilities; and providing financial services such as venture capital, credit guarantees and short-term loans to local suppliers and contractors. He stressed that ―we should not be so naïve as to expect changes in the local content and community investment practices to occur in the absence of the right dedicated incentives‖.

However, some argued that although the latter model sounds laudable; nevertheless, it is important to consider that multinationals are not charity organizations; but strictly profit oriented organizations, driven by the goal to maximize shareholders‘ funds (Nwosu et al, 2007). As such, the model suggested by Warner (2007) may be difficult to apply. Therefore, for a country like Nigeria, an effective LC policy would need to be driven by an optimal balance of both incentives on one hand and strict regulations on the other. This is because, in comparison to other countries, Nigeria has very low level of local content in the oil industry operations. According to the Nigerian National Petroleum Corporation (NNPC), Indonesia spent 25% in its local content, Norway spent 50%, while Malaysia and Brazil spent 70%. Not forgetting that the target of NNPC was to achieve 45 percent by the end of 2007 and 70 percent by 2010 (Adebola, 2006; Amanze-Nwachukwu, 2007; Nwapa, 2006).

The Nigeria Oil and Gas Industry Content Development Act was enacted by the National Assembly to give fresh impetus and vigor to the push for local content development in the petroleum industry (Udok, 2020). The policy's primary goal is to enhance Nigerian participation in the oil and gas business, as well as the industry's value creation for Nigerians. Section 1 of the Act applies the Act's provisions to all matters relating to Nigerian content in all operations in the oil and gas industry, despite anything in any other statute to the contrary. Section 2 of the Act mandates that, all licensees and subcontractors adopt a local content plan, and include it in their policies. (Nigeria Content Development Act, 2010). There is very limited local participation in this vibrant sector that has the potential to improve the standard of living and provide gainful employment for many. This is an unhealthy situation considering the fact that Nigerians have both the expertise and skills needed to perform effectively and efficiently in the sector (Orebiyi, 2015).

The Federal Government of Nigeria in the early 2000 introduced the Local Content (LC) Policy, christened Nigerian Content (NC) and it was primarily aimed at enhancing increased participation of local indigenous firms in Oil and Gas Industry. It is also aimed at building the capacity of indigenous firm and to provide more opportunities for participation in business. To increase procurement and utilization of locally produced input materials, utilization of Nigerian human resources, creating more employment and trainings opportunities for locals and boost its economy.

Empirical Review

Okoro and Ndukwe (2022), appraised Local Content Act Implementation and its impact on Nigeria economy. The study adopted a qualitative research design to gain insight into the nature and performance of local content law in Nigeria. Descriptive and observation methods were used to critically examined local content Act and its performance in Nigeria. Descriptive and observation methods were used to critically examine local content Act and its performance in Nigeria. The paper was theoretical in nature and basically drew its arguments from content analysis of secondary data including existing legal frameworks. Observations from the study demonstrates that, contrary to expectations on the local content Act, not all companies covered under the Act have embraced its provisions. Thus, implementation of the Act is still at its lowest ebb. It was revealed that, despite the extant local content Act, there is low participation of local firms in the oil and other industries and this often attributed to absence of capability to compete and the inability to meet industry requirements.

The paper also observed that, there is high level of non-compliance to the local content Act by some multinationals, some of them continue to violate provisions of the Nigeria content law through the use of expatriates who perform job functions that Nigerian citizens do have the capability to execute. The study recommended that, local content Act should be fully implemented by the Nigerian government. It was further recommended that the Nigerian parliament should expand the local content law to cover more sectors of the economy.

Hassan, Akande and Bafeto (2022) evaluated the implementation of Nigerian local content policy in the oil industry. The study used documentary research method, primary and secondary sources of information were used, thematic analysis was employed to analyse the data obtained. The study found that, participation of Nigerians in Oil Contracts has grown from less than 10% before the Act to over 80%. Indigenous entrepreneurs execute different oil and gas projects previously done abroad. Contract awarded to Nigerian service companies increased from about 40 percent of total contracts before 2010 to 75 percent in 2015.
Indigenous oil firm have demonstrated local capacity in the execution of the over $16 billion worth Floating Production Storage and Offloading (FPSO) facility for Total's Egina Oil field project. The first major project executed in Nigeria after the enactment of the NOGICD Act, 2010. Local content values retention was increased from less that 5percent before 2010 to 14percent in 2014 and to 28percent in 2017 in the areas of Engineering, Procurement, Construction, Fabrication, Marine services and welding activities which are now domiciled in the country instead of being executed abroad as was the case before the NOGCID Act, 2010. The board targets 70percent value retention in the country from current 28percent. Retained $5billion in the local economy from the annual $20 billion industry expenditure at the end of 2017, most of which previously ended up in foreign economies and target to retain $14 billion out of the $20 billion yearly spent in servicing the industry. The paper recommended that, the Board in charge of the implementation of the policy should ensure that contracts that can be executed or done by local operating and service companies are not awarded to foreigners.

Theoretical Framework

Dependency Theory

According to Osvaldo (1969) dependency is used to explain the economic development of a state in terms of the external influences which may be political, economic, and cultural on national development policies. Dependency theory is an historical condition which shapes a certain set of structure of the world economy such that it favors some countries to the detriment of others especially the third world countries, and limits the development possibilities of the subsidiary economies to a condition in which the economy of a certain group of countries is restrained by the development and expansion of another financial system, to which their own is subjected (Theotonio, 1971). The main proponents of Dependency theory are: Raul Prebisch, Andre Gunder Frank, Emmanuel Wallerstein, Theotonio Dos Santos, Fernando Henrique Cardoso, Samir Amin, Hans Singer, Paul Baran, Paul Sweezy, Celso Furtado, Gunnar Myrdal etc. Indeed, their studies suggested that ―economic activity in the richer countries (developed world) often led to serious economic problems in the poorer countries‖.

he solution to this in the words of Vincent **(**2008**)** is that poorer countries should embark on programs of import substitution so that they need not purchase the manufactured products from the richer countries. Even though the poorer countries would still sell their primary products on the world market, their foreign exchange reserves would not be used to purchase manufactured products from abroad. These countries are not "behind" or "catching up" to the richer countries of the world. They are not poor because they lagged behind the scientific transformations or the enlightenment values of the European states. They are poor because they were forcefully incorporated into the European economic system only as producers of raw materials or to serve as repositories of low-priced labor, and were denied the opportunity to sell their God given possessions in any way that competed with leading states Vincent (2008).

The theory therefore opines that substitute use of resources is preferable to the resource usage patterns imposed by developed and dominant economies. Proponents of dependency theory rely upon a belief that there exist clear ―state‖ economic interests which ought to be articulated for each country. Dependent states, therefore, should opt for policies of self-reliance. In other words, greater integration into the global financial system is not necessarily a good choice for poor countries; rather a policy of self-reliance should be viewed as opting for a strategy of restricted exchanges with the world financial system. Poor countries should only support exchanges on terms that promise to improve the social and financial welfare of the larger citizenry in the state. In short, dependency theory attempts to explain the present underdeveloped state of many nations in the world by examining the patterns of interactions among nations and by arguing that inequality among nations is an intrinsic part of those interactions.

Methodology

Research Design

The research design for this study used documentary research method. It involves the systematic investigation and analysis of existing document or record. Primary and secondary of information were used for data collection, while thematic analysis was used as techniques to analyse the data. The study employed the use of primary data that were collected by the researcher from the main sources (Staff Members of Nigeria Content and Development Monitoring Board), through semi-structured interviews and secondary sources of information from the board through magazine, journals, internet and organization publications. The information collected from the organization were document and record that contain information about the phenomenon the researcher wishes to study. The data were systematically categorized and analyzed.

Data Analysis

Objective 1: To appraise how indigenous oil companies participate in the execution of projects in oil industry.

The table below shows the level of participation of indigenous oil companies in the participation of execution of projects in oil industry, it shows the percentage (%) of the contracts awarded to Nigerian companies between 2015 – 2022.

However, the aim of this question and table is not about the cost of the projects, but, the level of participation of indigenous oil companies in the execution of projects in oil industry.

Table 1: Participation of Indigenous Oil Companies in the Execution of Projects in Oil Industry.

S/N	YEAR	ACTIVITIES	PERCENTAGE %	VALUE RETENTION IN THE COUNTRY
1.	2015	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	61.84	$2.195 billion
2.	2016	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	61	$2.0116 billion
3.	2017	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	83	$523.25 million
4.	2018	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	84	$663.4 million
5.	2019	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	83	$53.7 million
6.	2020	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	82	$178 million
7.	2021	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	85.37	$2.1 billion
8.	2022	Contracts Awarded to Nigerian Companies in Fabrication, Engineering, Procurement, Construction and Marine Sub-Sectors.	87.2	$2.9 billion

Source: NCDMB Reports: (2015-2022)

There are more indigenous players in the Nigeria oil and gas industry now than any other time before the Act, Nigerian companies execute major projects including Floating Production Storage and Offloading (FPSO) integration of topsides in the country.

Today, almost 87 percent of the contracts in the country oil and gas sectors are awarded to Nigerian companies as against about 40 percent before 2010. Manufacturing capacity had been developed, Nigerians manufacture paints, cables, pipes and have been able to integrate Floating Production Storage and Offloading (FPSO) in the country. Indigenous oil companies participated actively in the execution of the over $16 billion worth FPSO facility for Totals Egina Oil Field project. The first major project executed in Nigeria after the enactment of the NOGICD Act, 2010.
In addition, six (6) of the topsides modules that were integrated into the EGINA FPSO were fabricated in Nigeria.

We have moved from near zero Nigerian participation in the oil and gas sector to the point that our indigenous operators, such as SEPLAT, AITEO, and others are now responsible for 15 percent of our crude oil production and 60 percent of our domestic gas supply.
Level of Nigerian content in the oil and gas industry was increased to 54 percent by the end of Dec. 2022, from 42 percent in 2021, 30 percent in 2019, 28 percent in 2017 and five (5) percent in 2010, in the areas of Engineering, Procurement, Construction, Fabrication, Marine Services and welding activities which are now domesticated in the country instead of being executed abroad as was the case before the NOGICD Act, 2010.

Objective 2:

To determine the level of compliance with the Nigeria local content policy in oil industry.
This table shows the level of compliance with the Nigerian local content policy in oil industry, in the following areas, Expatriate Quota applications approved and rejected, and Nigerian Content Compliance Certificate issued.

Table 2: Level of Compliance with the Nigerian Local Content Policy in Oil Industry.

S/N	YEAR	ACTIVITIES
1.	2015	A total of 1,500 Expatriate Quota positions were approved, while 922 positions were rejected
2.	2016	In 2016, 1,054 Expatriate Quota positions were approved, 676 position were rejected
3.	2017	One Thousand and Forty-Eight (1,048) Expatriates Quota positions were approved, while 590 positions were rejected.
4.	2018	Eight Hundred and Two (802) Expatriate Quota positions were approved, 114 positions were rejected
5.	2019	In 2019, 828 Expatriate Quota positions were approved, 157 positions rejected
6.	2020	A total of 816 Expatriate Quota positions were approved, while 120 positions were rejected
7.	2021	One Thousand, One Hundred and Eighty Three (1,183) positions were approved, 328 positions were rejected
8.	2022	A total of 807 positions were approved, while 175 positions were rejected.
1.	2015	A total number of 23 Nigerian Content Compliance Certificate (NCCC) were issued by the Nigerian Content Development and Monitoring Board (NCDMB) to the companies that meet Nigerian Content requirements in the Nigeria Content Plan (NCP) before executing project(s) in oil and gas in Nigeria.
2.	2016	A total of 34 Nigerian Content Compliance Certificates (NCCC) were issued by the Board in 2016.
3.	2017	A total of 27 Nigerian Content Compliance Certificates were issued to the companies that fulfilled Nigerian Content Plan.
4.	2018	One Hundred and Seven (107) Nigerian Content Compliance Certificates were issued
5.	2019	The Nigerian Content Development and Monitoring Board (NCDMB) issued a total of 161 Nigerian Content Compliance Certificates in the year 2019.
6.	2020	A total of 129 Nigerian Content Compliance Certificates were issued by the Board
7.	2021	Four Hundred and Four (404) Nigerian Content Compliance Certificates were issued
8.	2022	A total of 70 Nigerian Content Compliance Certificate were issued by the Board to the companies that meet Nigerian Content requirements in the Nigerian Content Plan for execution of project(s) in oil industry.

Source: NCDMB Reports: (2015 – 2022).

Section 33 of the NOGICD Act, 2010 gives the Board the responsibility of managing Expatriates Quota utilization by oil and gas industry.
The essence is to enable government identify skill shortages within the oil and gas sector and track the numbers of expatriates in the industry. Their length of stay, compliance with provided succession plans and expected date of exit.

The Board is also expected to evaluate the skills of the expatriates and confirm that such skills are not available locally in the industry before granting the EQ application. In making the applications, the companies are expected to attach the list of all existing expatriates with their understudies, list of all Nigerian employees, job descriptions, qualifications and employment commitment for Nigerians with timelines, training plan/schedule of Nigerian staff, Nigerianised positions with dates and advertisements (for new quota positions).

The Board is empowered by the Act in section 8 to issue Certificate of Compliance to the companies that comply and meet Nigerian Content requirements, before carrying out any project in the Nigerian oil and gas industry, after reviewing and assessing the Nigerian Content plan (–the Plan‖) submitted by the company.

Findings

On research question one, it shows that, there are more indigenous players in the Nigeria Oil and Gas industry now than any other time before the Act. Indigenous oil companies participate more in the execution of projects in oil industry after the enactment of the Act, as against what was obtained before the implementation of the Act. It further shows that, there is a paradigm shift from less than 5 percent value retention before the enactment of the Act in 2010 to 54 percent in 2022. The total value of contracts awarded to Nigerian companies in the industry has risen to 87 percent, while average Nigerian content retention in the country has shot up to 54 percent. This is due to the fact that, many hitech fabrication, manufacturing and engineering facilities have been developed and upgraded, domiciling most industry work that used to be exported. On research question two (2), it shows that a lot of expatriates' quota applications made were rejected by the Nigerian Content Development and Monitoring Board (NCDMB), due to availability of such skills in the country. The Board is expected to evaluate the skills of the expatriates and confirm that such skills are not available locally in the industry before granting the Expatriate Quota application. In a situation where the skills are available locally in the industry, such application will be rejected but, if the skills are not available the expatriate quota application will be approved. As of today, the rate of compliance to the local content law has been very substantial. Percentage of implementation moved from 5 percent in 2010 to 54 percent in 2022.

Conclusion

The implementation of the Nigerian local content policy in oil industry, has given ample opportunities for indigenous oil companies to participate more in the execution of projects in the industry. The level of indigenous oil company‘s participation in the execution of projects in the industry has grown from less than 10% before the Act to over 87% at present.

Today, almost 87% of the contracts in the country oil and gas sectors are awarded to Nigerian companies as against about 40% before 2010. Manufacturing capacity had been developed.

Recommendations

Based on the findings of this study, the following recommendations are made for effective implementation of the local content Act in oil industry. The Nigerian Content Development and Monitoring Board (NCDMB), should ensure that, if there are Nigerians who process requisite skills to execute certain jobs, such capacities are used before expatriates are allowed to get involved, so as to increase the level of indigenous company‘s participation. Stiffer penalty and sanction such as disqualification and ban from participating in the tenders for new contracts be meted out to erring company to serve as deterrent to others and enforce compliance instead of collaborative approach.

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