

Picher Allan Associates LLC

THE KIISI TRUST

REQUEST FOR PROPOSALS: DONOR ADVISED FUND MANAGEMENT FOR THE OGO NI PEOPLE OF NIGERIA

February 2016

The Kiisi Trust is issuing this Request for Proposals (RFP) to establish and manage a Donor Advised Fund for the Ogoni people, Nigeria. The Kiisi Trust Donor Advised Fund Manager will be responsible for overall management of the Trust and will administer a community-based process to identify and assess potential grantees, develop grant dockets for Board approval, administer grant monitoring and reporting, distribute funds, and manage the funds of the Trust. The Trust has a total fund of \$5 million.

Interested organisations are invited to submit a proposal outlining their interest and qualifications by 31 March 2016.

Background on The Kiisi Trust

The Kiisi Trust was established in 2009 as part of a United States Federal Court Settlement in the Southern District of New York. The settlement arose from a lawsuit against the Royal Dutch Shell Company by survivors and family members of people who were victims of human rights abuses arising out of Shell's Nigerian Operations in Ogoniland in southeast Nigeria, the homeland of the Ogoni people. The Ogoni Plaintiffs included victims of torture and arbitrary detention as well as the survivors of husbands, brothers and fathers who were summarily executed for their role in protesting the cultural and environmental devastation Shell's operations in Ogoniland. The Trust was created from a \$15 million settlement reached with Shell, \$5 million of which was used by the Plaintiffs to create the Kiisi Trust to support programs in education, health, community development, and other benefits for the Ogoni people and their communities.

The lawsuit stemmed from the Ogoni people's efforts to address the pollution, displacement, neglect, and violent repression that began with the drilling of the first oil well in Ogoni in 1957 and the subsequent growth of the oil industry, led by Royal Dutch Shell. Community leaders eventually created the Movement for the Survival of the Ogoni People (MOSOP) in 1992 after decades of frustration with the failure of the Nigerian government to address these social and environmental issues. Through Ogoni playwright and author Ken Saro-Wiwa and other members, MOSOP became the major organization representing the Ogoni people in their struggle with the Nigerian government and Royal Dutch Shell for ethnic and environmental rights.

On January 4, 1993, hundreds of thousands of Ogoni people came together in peaceful protest to highlight their struggle and the conditions resulting from Shell's joint venture with the

Nigerian government to extract oil from Ogoni ancestral lands. The international press covered the first Ogoni Day, including CNN, which raised awareness of the Ogoni struggle internationally.

In November 1993, General Sani Abacha seized power in a coup. In May 1994, the Nigerian Military regime arrested Ken Saro-Wiwa and eight other Ogoni activists on trumped up murder charges. The Abacha regime was notorious for its serious human rights abuses and the denial of fundamental civil rights.¹ The activists were denied due process, found guilty, and hanged one year later. Human rights organisations around the world protested the trial and executions. The Commonwealth of Nations suspended Nigeria, and the governments of the United States, the United Kingdom, and the European Union all implemented sanctions.

In November 1996 relatives of the executed activists along with other Plaintiffs filed a lawsuit in U.S. Federal District Court for the Southern District of New York against Shell and Shell affiliates. Plaintiffs' Federal Court lawsuit set forth numerous allegations, including their brutal repression and the execution of the nine activists. From the settlement, Plaintiffs created the Kiisi Trust to help other Ogoni and to commemorate their incredible victory. The name "kiisi" means "progress" in Ogoni. This Trust will allow for initiatives for education, health, community development and other benefits for the Ogoni people and their communities, including educational endowments, skills development, agricultural development, women's programmes, small enterprise support, and adult literacy.

Immediately after the settlement, Plaintiffs' funds for the Kiisi Trust were set aside in a special escrow account in a bank account in the United States, where the funds have remained. The Kiisi Trust now seeks to set up a Donor Advised Fund to implement the objectives of the Plaintiffs in establishing the trust.

Donor Advised Fund Management Role

The principle tasks of the Donor Advised Fund Manager will be to:

- a. Work with the Trustees of the Kiisi Trust to manage all affairs of the Trust according to the terms of the Kiisi Trust as expressed in the constituting trust documents and consistent with the highest global standards for transparency and accountability.
- b. Manage the Trust assets in a manner consistent with designated socially responsible investment principles, with a segregated fund account and comprehensive accounting.
- c. Manage the public relations and communications of behalf of the Trust – especially in Ogoniland.
- d. Manage a democratic community-based process for Donor Advised Fund grantmaking, complete with monitoring and evaluation and transparent reporting. Management will include the capacity to:
 - i. Develop a grant-making strategy, including benchmarks for success.
 - ii. Identify potential grantees and accept applications.
 - iii. Conduct due diligence.

¹ <http://www.nytimes.com/1994/09/07/world/nigerian-military-ruler-assumes-absolute-power.html>

- iv. Recommend dockets of grants to the community-based advisors and the Trustees at regular intervals.
 - v. Make all grant payments.
 - vi. Monitor and report on all grants.
 - vii. Routinely carry out site visits to assess potential and agreed grantees.
 - viii. Submit both financial and programmatic consolidated reports to the Trustees on the activities and progress of the Donor Advised Fund.
- e. Support the Trustees with board training, organizational advice, meeting coordination and facilitation and with general management of internal and external communications.

Eligibility Criteria

The Trust seeks proposals from organizations that can:

- Demonstrate experience and understanding of social and political issues in Nigeria, including the current opportunities and challenges in the region of Ogoniland.
- Demonstrate experience in understanding of the issues involved in democratic and transparent grantmaking.
- Show a strong record of grant-making to community-based organizations and non-governmental organisations (NGOs) in developing countries, including the management of endowment funds, development and administration of grant portfolios, and monitoring and evaluation of individual and collective grant impact.
- Demonstrate understanding of the legal, administrative and financial factors important for grantmaking operations in Nigeria, and the resources (including international & local staffing, infrastructure and languages) needed for effective re-granting.
- Have the capacity to receive and manage funds in North America or Europe for granting in Nigeria.
- Demonstrated experience with managing Program Related Investments (or ability to add this capacity).
- Demonstrated understanding of global standards for community foundations, including start-up, fundraising and long-term management.

Overhead costs for administrative and other purposes should be detailed in the total budget, subject to discussion on location costs and staffing.

Proposal Process

- To be considered as a Donor Advised Fund Manager, please submit a proposal by 31 March 2016.
- The proposal (five page maximum) should include a brief organizational profile, including current location, financial resources, experience with democratic grantmaking in Africa, management and governance structure and outline the factors that serve to meet key eligibility criteria. It should include an additional one page budget, clarifying assumptions used to produce it.
- Qualified candidates will be shortlisted and considered by the Trustees.

All proposals should be submitted to: Chris Allan, Picher Allan Associates LLC, at chris@chrisallan.info.