

Legal Prospects of Public-Private Partnerships for Housing Delivery in Nigeria

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Abstract- This paper overviews the housing deficit situation in Nigeria and the concerted efforts of the public sector along with the private sector proponent to secure adequate housing provision over the years without the achievement commensurate success as housing continues to remain scarce in the face of growing population which in turn continues to drive the urbanization indices higher. Evidently, the global contemporary innovation, known as Public-Private Partnership (PPP) which is a procurement model that entails a long term contract between the public sector and the private sector for joint development, financing, operation and management of infrastructure provision and social services has become a veritable tool to achieving housing provision among such other social needs across the world and the viability of which is seen in the successes recorded in countries like the UK, China, Singapore, South Africa etc as shown in the study; away from the conventional models of contracting for housing development by the public sector. However, this study is limited to a conscientization of the prospects of the application of PPP in the Nigerian housing delivery as has been done in other countries of the world with optimal success seeing that the same notion of the PPP has continued to present less than optimum result in Nigeria. This study is an analysis of the model from the practice in those countries where they have recorded effective housing provision in order to apply the critical success factors against the failure factors in the Nigerian application of the same model. Imperatively the lack of clearly defined objective for the projects, want of adequate alignment of the objectives with the stakeholders, absence of clear regulatory and policy framework coupled with weak institutional frameworks, monitoring deficiency, corrupt tendencies of the players in the face of the lack of deliberate incentives to cushion the inflation are among such factors that this study has found out can be reversed to bring about the successful implementation of PPP in the housing delivery value chain in Nigeria.

Keywords: Housing Deficit, Critical Failure Factors, Critical Success Factors, Infrastructure, Public-Private Partnership

I. INTRODUCTION

A historical perspective of the negative progression of the housing situation in Nigeria as at 2013 stated that housing needs in Nigeria was in the region of 17 million (seventeen million) in deficit. Moore gave a further narration of the dimension of the state of the housing deficit in his study of the problems and challenges of the housing situation in Nigeria. In his study, he revealed that the statistical detail of the deficit has risen considerably in the ratio of 23 (twenty-three) housing units per 1000 persons.

His research showed that as at December 2018, Nigeria housing situation stood within a deficit of 20 million houses and required the sum in excess of N21,000,000,000.00 (twenty-one Trillion Naira) to finance housing provision in order to obliterate the deficit. The rise has continued despite combined efforts of both the public and private sectors to invest time, money, expertise and other resources to solve the problem evolving thereby a contemporary model of procurement of goods and services called Public Private Partnership (PPP)

Statement of Problem

Also, over the years the Central Bank of Nigeria (CBN) published a data of the state of the housing deficit to have been seven 7 (seven) million as of 1991.

This figure has continued to rise since then in the following trajectory. In 2007 it was 12 (twelve) million and then between 2010 and 2019 it rose to 14 (fourteen) million to twenty (20) million respectively and has continued steadily ever since.

The Federal Mortgage Bank of Nigeria (FMBN) which is the agency of Government set up vide the

Federal Mortgage Bank Act to manage the National Housing Fund (NHF) and provide affordable mortgage financing for Nigerian further corroborated the fact of the steady rise and states that as at January 2023 the housing deficit had risen to 28 million.

The Nigerian Economic Summit Group's (NESG) white paper also captured the situation as of 2021 – 2023 as follows:

In 2021, the World Bank estimated that Nigeria's housing deficit stood at 15.56 million units (Behr et al., 2021). In 2023, the Nigerian Government put the housing deficit statistics at 28 million units with an estimated funding need of N21 trillion (The State House, 2023). These statistics allude to the need for urgent interventions in the Nigerian housing sector.

The implication is that for Nigerian citizens to be said to be sufficiently accommodated, at least 28 million houses have to be provided. It is projected that a corresponding financing deficit of N21,000,000,000,000.00 (twenty-one trillion Naira) stands pari passu with the deficit in the face of the population of growth which was touted to have risen above 200 million (two hundred million) in 2019.

The population is currently touted to be at an all high of 232.7 million representing 2.85% of the world's population as at year 2024. However, the National Housing Data Technical Committee as of early 2026 has released based on quality indices, that the Nigerian housing deficit is now approximated to be about 14.9 million to 15.2 million units. Nonetheless the need cannot be overemphasized for the creation of an enabling environment for more housing development and strengthening of coordination among the various composite units and stakeholders for effective reduction in the deficit.

A study of the enabling environment continues to be an imperative especially in the face of many housing initiatives and policies spread across Nigeria that have either failed, abandoned and did not meet the optimal objective in all the major cities, states of the country and the Federal Capital Territory of Abuja (FCT). A study carried out in 2024 to determine the cause of abandoned buildings showed that over

56,000 houses are abandoned and uncompleted in Nigeria.

Nigeria with an estimated population of about 223,804,632 is said to have 42,057,041 households of which 22,829,823 are urban household and with 49% of the said urban population living in slum.

In Lagos State in particular 80% of the 25,000,000 people living in Lagos live in informal houses and statistics has shown that since 2021 the slum centers in the state has grown from 150 to 169 and the story is mostly the same in every other state in Nigeria including the Federal Capital Territory of Abuja Nigeria where the squatter settlements, slum and such densely populated sites number about 30 so far with Mpape, Daki Biyu, Kpadna ranking among the largest.

For the housing deficit to reduce the greatest panacea that has evolved over the years is the involvement of the private sector participants in the specialized arrangement globally called Public-Private Partnership (PPP) which enables the government to access and harness the expertise, competence, funding and investment etc of the private sector proponent to support all government initiatives which however has not been successful enough to cause the housing deficit to abate in Nigeria.

As a particular reference is the Mass Housing scheme and such other schemes that was experimented in the FCT beginning 2005 where developers were supposed to partner the government to deploy housing facilities in the FCT. Even though many houses were built this study found that there were a massive distortion, digression and misalignment from the core of the concept resulting in substandard development and unjustifiable hike in housing cost among others while it became a money spinner for the unscrupulous participant and some of the public servants who were supposed to ensure its success.

On the whole as it were with the various FCT scheme, many states also that sought to implement schemes like that under the PPP failed to record optimal success contrary to what is recorded in other climes as shown in this study.

The need therefore to address the issues of this failure to negate the issue of housing deficit with their attendant malaise cannot be overemphasized. Concomitantly, the need to revisited the relevant legal and institutional framework of PPP in Nigeria cannot therefore be overemphasized.

II. DEFINITION AND SCOPE OF PPP

A PPP as defined by the National Council for Public-Private Partnerships is a;

...contractual agreement between a public agency (Federal, state or local) and a private sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility. In effect, the key defining elements of a PPP is the focus on service delivery and a real partnership that involves the sharing of risks and rewards

Typically, a PPP will elicit an agreement or contract made between the public sector to provide and make available public assets and or services for the private sector to invest resources, time, expertise and develop the necessary infrastructure. PPP has been established to therefore mean a collaboration of the parties involved and it is this collaborative advantage that has been seen as 'one of the metatheories rationalizing' the PPP. Nwangwu defines PPP as:

...long term relationships between public sector agencies and private sector entities under which the responsibility for any or all of the combination of designing, financing, construction, management and operation of public infrastructure and utilities that were traditionally undertaken by the public sector are contractually shared and jointly undertaken by both the public and private sector, usually in proportion to the kind of risks each party can best carry

PPP has now gained global acceptance in infrastructure provision and housing has become an imperative also. The main types of PPP that easily lend itself to housing delivery include the Build-Operate-Transfer (BOT) usually for greenfield projects where as the name implies the private sector

builds on the land provided by the public sector and it is operated on terms and subsequently returned to the public sector. The BOT is described as the 'canonical form of PPP' The Transfer-Operate-Transfer (TOT) is another type of PPP which usually of a brownfield that transferred the public sector asset to the private sector to operate on terms and to be subsequently transferred to the public sector upon the expiration of the term of the agreement. The Rehabilitate-Operate-Transfer (ROT) and Operate and Management Contract (O & M) also other types of PPP that stand in the same footing the TOT.

III. CONCEPTUALIZING PPP

The following theories define the scope of the study and enables it to maintain focus on the specific variables and perspectives.

These particular sets of existing theories and notions easily explain, predicts and enables the understanding of the phenomenon why the research problem in this study exists and can be resolved by the recommendations and conclusions herein.

These theories support the fact that PPP is a legal and practical mechanism for the enhancement of housing delivery by the combined effort and collaboration of the public and private sector.

Also, they further support the argument that PPP is an efficient and viable means of achieving good governance in the sense that social needs are met under legitimate arrangement whereby public asset is entrusted into the hands of the private sector for development of agreed enforceable terms

4.1 Enabling Market to work Theory

The theory of enabling the market to work is advocated by proponents who assert that a free market, characterized by minimal Governmental interference, is the most efficient mechanism for resource allocation, fostering innovation, and attaining economic progress. This perspective is frequently linked to classical and neoclassical economists such as Adam Smith and Milton Friedman.

The theory postulates enabling market to operate and suggest a policy strategy in which the Government establishes conditions that facilitate the efficient operation of markets, such as roads, housing, social amenities labour etc without direct interference.

Advocates of this theory frequently reference the tenets of classical and neoclassical economics, which underscore the significance of free markets, price signals, and competition. The Government serves as a facilitator by eliminating obstacles, supplying infrastructure, and establishing policies that encourage competition and openness. This strategy utilizes constrained public resources to encourage private sector engagement and enhance market results.

The World Bank says it is ‘a strategy in which Government moves from producing, financing and maintaining housing to improving housing market efficiency particularly on the supply side The Government takes positive steps to create the enabling environment by streamlining the laws in relevant areas like taxation; promotion of fair can competitive market; promotion of entrepreneurial opportunities etc

4.2 New Public Management (NPM)

This assumption which can also easily be said to be at the core of the idea of PPP has been dominant in the Public Administration since the 1980’s as a result of the flaw of the Weberian public administration The idea is that Government should focus on the formulation of public policy and leave implementation to other bodies like the private sector, thereby encouraging a separation between policy formulation and policy implementation for effective service delivery.

This theory which was introduced by Christopher Hood in 1991 processed the path for ideas like privatization, out-sourcing, agentification, active market mechanism and concerted private sector participation in the delivery of goods, services and infrastructure thereby improving public sector efficiency in the process. Key points to this notion that support the working of this theory are the system thinking, contingency approach where no-one-size-fit

and adaptability etc that is brought to bear on the PPP and its practice.

IV. IDENTIFIABLE PROSPECTS

This study has shown so far that provision of affordable housing is a perennial issue and fraught with many challenges as shown above. Accordingly, numerous schemes and approaches have been applied to meet the requirements of the low-income populations for housing supply.

These efforts differ significantly from place to place, applying different strategies from their funding mechanisms, targeted beneficiaries, and implementation strategies etc deliberately aim at ensuring success in low-income housing development and creating access to adequate and affordable housing for them.

Presented below are several significant examples of principles, strategies and factors that have been applied for effective low-cost housing initiatives carried out successfully globally and which this research has found applicable to improve the Nigerian housing situation positively considering the challenges of the application of the PPP model in Nigeria so far.

These are key component and characteristics of a successful PPP in housing delivery drawn from where they have been applied successfully and have met the objective of their varying housing demand and supply needs.

They can safely be categorized as generally constituting global best practices in the application of PPP in projects which also safely apply to housing. Some of these global best standards are generally characterized as critical success factors (CSF) of PPP and will be sufficient to apply to make PPP successful in Nigeria. A few of those worthy strategies have been considered below for application in the Nigerian situation.

5.1 Clearly defined objectives for every PPP housing project.

In most other parts of the world where low-income housing initiatives where successful, either by using

the PPP model or such other model to ameliorate their housing deficit they have embarked on such projects with clear and definite objective spelt out by the Government for the public servant, private sector participant as well as the end-user to understand and imbibe for the particular project.

Considering that the different engaging parties are disparate in their approach to doing things, it becomes important that there is clarity and firm establishment of those fundamental objectives so that the project is not derailed. Clearly outline objective support the success of the project and ensures accountability and responsibility for all the stakeholders.

As this research found out the Nigerian situation was made nearly impossible because the ordinary and simplistic objective was assumed as merely to build houses; and the absence of a clear core objective drove the public servant, the private investors and other stakeholders to see it as a money-spinning jamboree rather than management of the problem of housing deficit and the attendant malaise of not dealing with it.

Most of the people saw the project as a business opportunity or a job creation scheme which is sometimes the narrative that the public sector pushes for cheap political scores while damaging the psychology behind the project. While it is conceded that those are natural fall-out of the program they are not intended to blind out the core objective of the PPP and that accounted for as one main reason why most of the projects have failed.

Projects should be targeted at definite category of persons and to specific objective which are clearly defined and articulated by all stakeholders for effectiveness. For example, the New Rural Housing Program that was designed and implemented in China in 2006 was targeted specifically at improving the living standard in the rural areas.

Core focus was to reduce the rural-to-urban drift and so the Government built and delivered 10 million houses as at 2024 with these clear specific objectives adequately communicated to all and sundry. Clearly therefore those houses would be spread in the rural

areas and not available to just anybody to come and buy up all the houses and prospect them for pecuniary gains.

Also, in the Pradhan Maihi Awas Yojana (PMAY) housing project carried out in India in 2015 the clear objective was to provide affordable housing to rural and urban families by developing 20million houses by 2022 and the core target was the eradication of homelessness and slum dwelling. In the United Kingdom the Affordable Housing Program had a clear and definite objective ‘to increase the supply of affordable housing by leveraging private sector investment alongside public funding’. By defining the primary objective all the participant would work at sustain the objective and this would lead to the successful delivery of PPP projects without compromises.

The core objective of mass housing scheme in the FCT was not to raise millionaire as it was construed by all the participants but a scheme to improve on the housing supply for the low-income earners and that objective was lost and so was the scheme.

5.2 Alignment of Objectives of Stakeholders

Along with clarity of objective is the deliberate alignment of the interest of both primary stakeholders in the PPP i.e. the public and private sector drivers.

Harmonizing the interests of the public and private sectors is essential for effective project execution and sustained value. This entails organizing contacts to motivate both parties to attain the project's overarching objectives, while recognizing their divergent independent aims. In an analysis carried out by the Federal Highway Administration in the USA of this divergent cultural perspective of the public and private sector in a PPP project, the stakeholder, the process, the policy goals and transparency indices were used to arrive at the following assertions.

That in carrying out the project while the public sector is interested in developing projects to improve the infrastructure network the private sector sees the process more in terms of a negotiated transaction.

The analysis suggests that while the public sector seeks to provide the needs of the people the private sector seeks to generate dividend for her shareholders. In respect of process, while the public sector seeks to follow rigid operating standards and procedure to get uniform development with minimum risk and at the same time securing the consensus of the stakeholders, the private sector will seek more flexibility and expediency to achieve set objectives.

When policy goals are set the public sector sets goals in housing for instance to provide decent housing and safety for the people while the private sector is interested in competitive return on investment.

And on the subject of transparency while the public sector seeks to share information with the public to get their participation and accountability the private sector protects her intellectual property and takes advantage of her innovation.

It is therefore imperative for the alignment of the interest and objectives of these critical stakeholders and who are the primary players in the PPP for the success of the project so they can mobilize and work safely with each other to safely deliver on the core and central objectives of the project.

This research found that the symbiotic relationship between the public sector and the private sector contributed massively to Singaporean urban transformation. Where there is a misalignment between the public sector and the private sector it can be a major cause of failure of the project as they will be independently driven by their disparate nature and object at the expense of the core objective of the project.

Accordingly, the public sector and the private sector in Nigeria must align their objective to be able to attain success of any project seeing that they are diametrically opposite but must work together now for the core object of the project.

5.3 Clear regulatory Policy and framework

Regulatory framework remains a system of rules, regulations and obligations demanding compliance to support the wider basis for the regulation by the clear and definitive standards it sets for that particular

industry or sector. It is essential for the complex landscape of law to have set of rules and guidelines laid out for every particular sector.

The framework determines the interaction of the legislation and the institution thus ensuring compliance for the right conduct in dealing with the subject matter of the piece of legislation.

It is the structured guideline set out to direct and guide the activities of the body. The basic significance of the framework is that it may derive from statutes enacted by legislation, administrative order or judicial decision principally to uphold the law, protect rights, maintain order, demand accountability and compliance and carrying along enforcement mechanism. Therefore, the key components which are the legislation, the regulatory body and the enforcement mechanism must be clear, articulated and applicable.

By the nature of PPP, it will involve the complexities and variabilities of multiple laws cutting across different jurisdiction with different legal standards and even interpretation which today are yielding to changes and evolution for many reasons which include movement of people and the even technological advancements leading to a trend of globalization as there is now more interrelatedness of regulations.

For PPP therefore to thrive the set of rules and guideline that regulate same must be clear and definitive so that it is comprehensive and as well easy to apply.

Arimoro in his work drew a comparison of the South African and the Nigerian PPP legal framework and held that the South African has a better practice and administration of PPP because its regulatory framework was ‘...clear-cut. A prospective investor or anyone interested in the framework for PPP in South Africa is not left confused about the number of agencies that are to be dealt with when negotiating or executing a PPP contract’ The South African regulatory framework was designed to cover both the National and Provincial PPP unlike Nigeria where the various component state has her independent PPP laws and institutions. Beyond that there exist multiple

Nigerian legislations which are either interrelated or not but the PPP is subjected to all in the name of covering all the ground: thereby making the process complicated uneasy and frustrating for the private sector.

This research found that Delmon seems to supports this assertion that the presence of a clear legal framework for PPP is an opportunity and an advantage for the Government for the success of the project. He stated that the essence of the clear and definitive legal framework confers on the Government the following advantages:

(i) Confirm its political commitment through explicit legislation; (ii) Set out the roles for the different arms of the Government, including control and approval of individual PPP projects; (iii) Set out the basis on which a public authority may provide support for various risk, e.g. revenue guarantees; (iv) Provide a procedure for the public authority to make changes in the project's specifications, and a method of compensating the project company for resulting extra costs; (v) Provide clarity on investors' rights if the PPP contract is terminated early, whether because of default by the project company or because the public authority want to take the facility back under public sector control; (vi) Give leaders the ability to take security over the PPP contract; If appropriate, allow for provision of investment incentives such as special tax treatment etc'.

The Affordable Housing Program (AHP) established in the UK which has successfully built thousands of houses across the country is credited to have a strong regulatory support that has enabled the housing supply in the program to record a high degree of success. The AHP which is essentially a social housing program has a framework which is set and regulated by the Regulator of Social Housing.

Basically, to set standards, code of practice regulatory guideline and the registration of service providers. These codes of practice set the required expectations of all the private sector participants and service provider within the program in terms of financial viability, governance, quality, safety, risk etc.

The framework clearly detailed the guideline for the private sector participant and expectation in terms of standards and quality of houses to be built. The framework is also credited to have ensured that the houses built remain affordable to the meet the purpose for which the project was created.

The AHP framework established in clear terms the grants and subsidies allowed by the Government to enable the project attract the private sector participants clearly showing that the AHP framework is an example of the importance of clear regulatory framework accounting for the success of the program. This study agrees with the fact that the UK '...policy, legal, and regulatory frameworks for affordable housing can provide valuable insights for housing professionals internationally, potentially serving as a model for developing similar frameworks in other regions'

The Singaporean Housing and Development Board (SHD) which commenced in 1960 is also a huge success because of its innovative and streamlined regulatory environment set to achieve efficient execution and high-quality outcome at the same time.

Through its regulators the framework of the SHD enabled subsidy in order to reduce cost of the housing supply and attracted the private sector participation for efficient delivery Through its well-coordinated policy and development the SHD achieved high quality houses and achieved affordability of the houses by a significant Singaporean population Therefore it is imperative for the success of PPP that there is a clear, easy and yet formidable legal framework in Nigeria. The multiplicity of laws with their complex and unnecessary duplications in their requirements, approval and compliances process can lead to frustration and failure of the core objective of the project.

5.4 Strong and formidable Institutional framework

The study into the AHP of UK and the Singaporean HDB exemplify the importance of a strong and formidable institutional framework for a successful PPP housing development worthy of emulation by other jurisdiction for improved housing demand and supply regime. In terms of the HDB institutional framework, it is responsible for the planning and

building of low and middle-income houses with a success rate of 90% house ownership for the population and has been able to sustain success as a multi-tiered housing institution supplying houses to the extreme low income earners to rent to own subsidized HDB flats; middle income and the high income group This research found that the HDB as an institution is formidable and strong on the three prong of; (1) funding from the Central Provident Fund system; (2) incentivized by the Government subsidy regime in place to ensure affordability and (3) good and effective land policy around housing for the low income earners.

In this respect the Singaporean model is said to be among the most representative public housing system in the world In the view of Luo his study found out that the three success factors of the Singaporean model are: (1) Government lead initiative that are strongly enforced; (2) Scientific approach to planning and design and (3) efficient and fair distribution mechanism within her institution and the administration of the housing policy.

South Africa is also one of the countries with high rate of delivery in terms of PPP in housing. Its Social Housing Regulatory Authority (SHRA) was set up to oversee and supervise housing supply for developed rental housing for the low-income earners.

The strategy has helped the SHRA in her capacity building initiative coupled with the Government incentive to the stakeholders to encourage their active participation. A strong and formidable institutional framework is characterized by these factors and processes which are adaptable to the Nigerian situation for effectiveness of the PPP overall. The need therefore for institutional strengthening cannot be overemphasized in the relevant institution if the PPP projects are to achieve success in Nigeria also.

5.5 Transparent procurement process

A transparent procurement process sits at the heart of a PPP that would be classified as successful. It is the deliberate openness and ease of access to all relevant information pertaining to the project that is made available to all the stakeholders without let or hinderance. Transparency reduces the transaction cost and shortens negotiation and contract time. Not

only will it engender investor confidence it will be compelling for a commitment and dedication for success from all stakeholders in the project. Mukhopadhyay in his work held that 'limited transparency in partnership formation restricts the scope of public scrutiny' Transparency is a multi-dimensional issue in PPP and it forms a critical component for it to succeed as it essentially demands the disclosure of information.

It is imperative to therefore operationalize transparency by disclosure of information among the stakeholders. It is important that from the bidding process through negotiation, the process must be open to all and sundry and conducted in the most transparent and open ways to engender fairness and opportunity to all concern.

The contract process must also be open to the public in the terms of scope, objective, risk, cost, benefits, parties, obligations and responsibilities etc and in clear and concise forms devoid of ambiguities It is a requirement for transparency that all processes; monitoring, evaluation, risk allocation and management, oversight, public participation etc must be carried out in all standards of transparency.

In their examination of the National Development Finance Agency of Ireland, Sheppard and Beck held that 'improving transparency and reducing burden of the Government can enhance long term sustainability of the policy' being examined; and in this case any policy would include housing. Transparency is not just to the parties to the contract but to all the external stakeholder and end-user.

The following benefits apart from investor confidence and public trust are found to be available where there is transparency in a PPP transaction:

- a. It will necessarily create accountability. The concept of transparency puts all the information at the behest of either of the parties to the PPP, the stakeholders of the particular project and even to the external person therefore making accountability easy on the project.

The mechanism of accountability is crucial for effective governance and development ensuring that public officers and institutions are answerable

for their action and decision. Accountability reinforces transparency just as transparency serves to achieve accountability. Accountability makes the doors of redress open so for every action contrary to any of the terms that leads to any form of loss is redressable.

- b. Reduce corruption and fraud. As a follow up from the fact that transparency serves to achieve accountability it also reduces the tendencies for the officials or any other stakeholder to be corrupt and minimizes the possibilities for fraud in the process chain of the PPP.
- c. Enhanced project performance. Transparency will sustain the focus of all the relevant parties on the core objectives of the project which is known and articulated by all the stakeholders. They would not be distracted by any divergent view of the project and agreed terms, process or agreed objective. This is an impetus for the enhancement of the project performance.
- d. Reduced cost. Cost is reduced as there will be no possibility of hidden cost or overtly bloated cost to the project.
- e. better risk management. The very essence of transparency is that all information is made available and so all parties are fully apportioned and agreed as to the risks borne, risk calculated or risk transferred ensuring the free flow of the process of the project.
- f. Stronger partnership. Transparency builds confidence in the project and the parties share this confidence in one another. Trust is also built and that certainly engenders a strong partnership which in turn makes for the success of the project.

As has been shown copiously in this study the PPP situation in Nigeria is sometimes shrouded in secrecy especially from the setting out of the details of the project to the selection and appointment of private participants; and this has led to failure of projects and continues to hamper good policy no matter how well intentioned they may be.

5.6 Clear Risk sharing mechanism

Allocation of risk is a critical success factor under a PPP and most successes recorded in many climes are also founded on the presence of satisfactory risk allocation mechanism among the parties. Parties come into the project prepared knowing who bears what cost or reaps the benefit of any change in the project at the crystallization of the risk factor.

In those climes where risk allocation was carefully considered it is observed in this study that the contract incentivized the Parties to manage the risk elements well so as to improve the benefit of the project and manage down the cost. Risk allocation also helps to bring a reduction to the cost of the project by insuring the parties against the risk.

The Indian experiences in PPP especially in allocation of land for the transport sector is the adoption of the policy that frees the land long before the project is launched so that the Government accepts and takes the risk out of the contract equation. The principle of risk allocation is founded on the principle that each risk in the project is allocated to whomever can manage it best and same is defined by the party that (a) is best able to control the likelihood of the risk occurring (b) best able to control the impact of the risk on the project outcomes and (c) best able to absorb the risk at the lowest cost.

So, the application of proper assessment and sharing cannot be overemphasized in a PPP that must be successful.

5.7 Efficient Monitoring Mechanism

It is standard to set in place a robust monitoring system that must be implemented; otherwise, the entire incentive framework that underpins the output specification technique and risk distribution would be compromised. It is imperative to set objectives that can be effectively monitored.

The commercial sector may first implement a quality management system to systematically evaluate availability and performance. In the next phase, the public sector would need to regularly assess the system and do random inspections.

In this context, where the necessary experience in evaluating the availability and performance of a certain service is insufficient, it is advisable to set a benchmark to compare the private sector's service delivery with that of other providers offering similar services.

Mokua and Kimutai explained the project management system of the use of up-to-date tools and techniques financing, implementing, controlling and evaluation of project in their study of PPP projects in Kenya and emphasized the importance of monitoring and evaluation as a tool for a viable and successful PPP project. The public-sector party ought to implement a monitoring mechanism that encourages accountable entities to supervise operations regularly.

Monitoring is unsuccessful because public officials lack adequate desire to participate in monitoring operations and enforce sanctions.

The public-sector entity should consider delegating the oversight of the private-sector entity to an external body. Compensation to this organization should depend on documented and confirmed instances of performance failures, so establishing a residual claim and reducing the likelihood of collusion between the organization and the private-sector entity.

Occasionally, the sole feasible choice is self-regulation by the private entity, augmented by intermittent audits performed by the public institution. Self-monitoring offers the additional benefit of reducing contract administration costs for the public-sector organization; nevertheless, it requires sufficiently rigorous penalties for erroneous reporting.

The fines should comprise a fixed element and a variable element determined as a multiple of the deductions evaded by the private sector through misreporting. Alternatively, there exists a risk that the private-sector entity may misreport to avoid deductions. Therefore, self-monitoring is unwise when penalties for inaccurate reporting cannot be adequately increased.

Expenses associated with monitoring activities should be borne by the conducting party to avert any potential conflict of interest. Nonetheless, if the public-sector institution incurs significant monitoring costs due to persistent underperformance by the private sector, the latter should assume the additional expenses. The mechanism for monitoring was clearly missing in the FCT experiment for instance as shown in the study. Even the officials were compromised because they were themselves turned into developers as the program objective was interpreted as a boom for wealth creation.

5.8 Elimination of corrupt tendencies

Corruption emanates in PPP essentially from unethical behaviour or practice, self-interest over and above the interest of principals etc from the concerned party as postulated by the principal – Agent and the Transaction Cost theorist.

This behaviour or practice have been found to cause poor service delivery or incomplete contracts. In an investigation carried out into the life cycle of PPP projects in India it was found that PPP is also prone to corruption and the study revealed that corruption pervades the project identification, preparation and every procurement stage through to the implementation and post transfer stages. Lack of transparency and collusion between the public sector and the private opens the way for corruption to thrive and it results in private gains in the form of kick-backs, bribes, corporate fraud etc as opposed the social welfare intentions of the PPP.

Collusion between the public sector and the private sector as analyzed by the simple formal model-based risks sharing and found that PPP allows for externality gains from the project in a significant way.

The analysis found that PPP formation leads to possible bribery and sub-optimal delivery and they proffered more Government control measures to curb corruption and its tendencies. Sridharan et al in their study emphasized audit effort to mitigate against corruption but that audit effort alone did not have the desired effect of containing the ripple effect of the corruption.

The European Union (EU) however has taken steps to regulate and promote transparency comprehensively through public procurement directives, anti-corruption framework and transparency initiatives to ensure PPPs are conducted in a transparent, fair, and accountable manner thereby protecting public interest and sustaining the trust in the PPP objectives. To this end the EU through the European Investment Fund (EIF) Transparency Policy of 1/5/2012 and combined with European Investment Bank Transparency Policy sets out the basic policy principles on transparency and public disclosure of documents and other information within EIB Group and believes that it strengthens the credibility and accountability of the process.

The principle of the transparency policy is encompassed in commitment, openness, accountability and governance, safeguarding the business approach and ensuring trust, promotion of transparency and continuous improvement. The policy outlines the principle of disclosure to be (a) presumption of disclosure, (b) non-discrimination and equal treatment and (c) a common language regime.

The policy also crafted a procedural framework on the procedure for handling information request among the concerned parties. It also set out a recourse mechanism that ensures enforceability of the policy; thus, a complaint mechanism leads to the European Ombudsman; the European Court of Justice and the requirement for an annual report publishing the complaint submitted under the complaint mechanism. With this kind of right intentionality, the PPP situation can be fortified to close all doors to the corrupt tendencies that pervade the system.

5.9 Deliberate Government policy

As exemplified by the EU experience a deliberate Government policy that designs a more detailed mechanism for PPP in housing is imperative. The EIF and EIB policy are intentional policy that have gone a long way to secure transparency and the attendant benefit of high propensity for the success of PPP projects; reduce tendency of failed project as a result minimized risk evasion or conflict and even corruption while sustaining the trust and confidence

of the parties in particular; and the public in general in the project and the PPP model. Government deliberate intention with the right political will is key to a working system.

It must not end with the right intention simpliciter, but a deliberate set of action at building the structure of the system to run on its own: will always be a panacea for success. An example will be a deliberate Government intention to activate local industry to produce the needed materials for the building industry in order to cushion the effect of runaway inflation in Nigeria and importation dependent economy for instance.

5.10 Increased Government incentives and subsidies

In a study carried out on public-private partnership (PPP) projects in China employing the survival analysis model and the difference-in-difference-in-differences (DDD) approach to investigate the impact of Government subsidies on the development of PPP projects they examined the growth of PPP projects via the lens of contract execution and the initiation of construction and found out that Government incentives facilitate the expedited signing of PPP contracts but however do not ensure timely commencement of construction for PPP projects.

The study also discovered that Government subsidies do not fully alleviate the financial limitations that hinder the initiation of PPP project construction. However, it is desirable that Government plays its role as the 'enabler' by providing the necessary subsidy to alleviate the financial uncertainties and cause an appeal for the project and to do such things that would incentivize the private sector.

The available support mechanism which may include Availability fund which is the funding that the Government avails the private sector to secure the availability of infrastructure to aid the project. Other times the public sector may support with the Viability Gap Fund (VGF) otherwise known as Capital contribution to bridge the gap where the viability of the project is not in the immediate and the Government will need to encourage the private proponent to invest resources in the project for a long gestation period. In some cases, the Government will

inject equity as upfront capital subsidy for the project where the project is not even likely to be viable and on such terms that will reduce the cost of the project.

India has The Viability Gap Fund program where the Government provided a guideline on the financial support for PPP in infrastructure. Some similar thing is also available in the USA and many other countries of the world. Deliberate incentives like this were missing in the Mass housing in the FCT as even the primary infrastructure support was not provided even in the face of scarce funding realities and as such the project were billed to fail to deliver on the objective.

5.11 Tax holiday and tax incentive from Government
Proponents of tax holidays and incentives as a relevant key to a successful PPP have argued that though it portends revenue loss for the nation it serves on the long run to improve the economy by attracting private investor into the country especially when targeting foreign direct investment (FDI) and so must be carefully thought out and designed in such a way as not to create the room for private investors to facilitate tax avoidance and evasion.

Holland and Vann encourage tax holidays and incentives as a way to incentivize private investment in the real investment in productive activities of a developing country in order to bolster the economy away from investments in financial assets and portfolio investments.

Tax holiday has been found to have direct impact on profitability and so the host Government must consider to make project viable. Tax holidays is an incentive to the private sector who by nature want to maximize profit while giving their very best to the project. What a private investor looks out for in terms of tax incentive is a stable tax system; awareness of the categories of tax that affect the project directly; if and how much of the tax affects the foreign investor and whether there are tax credits and specific exemptions available to the investor.

A study carried out to explore the implementation of fiscal incentives in Nigeria drawing lessons of experiences from emerging as well as developing economies which include Brazil, Indonesia, Kenya, South Africa, Saudi Arabia, Ghana, and Tanzania

showed that fiscal incentives were highly effective in nations with robust institutions, superior infrastructure facilities, a comprehensive regulatory and legal framework, and a conducive atmosphere. These features have improved the cost of conducting business and drawn investors to those countries. It was observed that, alongside robust institutions and adequate infrastructure, well-defined fiscal incentives would promote economic growth and development in emerging countries.

These spells the relevance of tax holiday and the needed relevant environment that Governments created to draw investments into the country and improve the balance of infrastructure demand and supply needs of the nation and should very well apply in the Nigerian situation.

5.12 Robust stakeholder engagement

Research has shown that Brazil has an extensive stakeholder engagement used effectively to involve local communities in the planning and implementation of the housing project resulting in greater community acceptance and overall project success. The Minha Casa Minha Vida (My house; My life) program in Brazil is a good example of the benefit of a robust stakeholder engagement even though it has some concerns in the sense that the project had a major sprawl intended and is being a subject of review.

PPP thrives on the consequences of this suggested stakeholder engagement as there is increased project success. Decision making is enhanced in the atmosphere of improved reputation and integrity that comes at the heel of such engagement.

It further leads to increased buy-in and support for the project. This aligns with the need for clarity in the objective of the project so that every person involved is carried along from start to the completion of the project and if the FCT mass housing for instance had a structure of this kind of engagement same would have been saved from the abysmal result it attained. Often these projects are initiated for the purpose of scoring political goals and does not resonate with the core developmental expectation of the people and so no good results are achieved.

Suffice it to say that it is possible for a successful PPP housing development to work successfully in Nigeria if these best standards are articulated and entrenched in the system; then the possibility of reducing the housing deficit would be higher.

CONCLUSION AND RECOMMENDATION

Suffice it therefore to state that PPP has maintained its place globally as a viable tool for infrastructural development and therefore has a prospect to succeed also in Nigeria should the above critical success factors be imbibed in the realignment of the relevant legal and institutional framework that drive the various government policy in the housing provision value chain today.

A further study of the relevant laws, policy of government, guidelines and land processes in Nigeria and how these outlines prospect can be made to fit in becomes imperative to actualize the adequate housing provision to reduce the housing deficit and all its attendant problems in the face of the growing population of the country becomes imperative and therefore recommended. It will lead to enhanced housing supply and availability.

Incidences of abandoned or poorly constructed housing facility will be ameliorated, critically affordability may be well guaranteed for the low to medium scale earners and ultimately it will negate the housing deficit and the effect on the people and invariably the nation's economy.

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