

Nigeria Can Be Transformed to Meet Infrastructure Demand

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BY CHINEDIM UWAEBULAM

Five years after its inauguration, IRWA Chapter 84 Nigeria consisting; estate surveyors, land surveyors, engineers and others involved in right of way acquisition and management is set to spearhead the drive for improving the quality of life through infrastructure development. In an interview with Property & Environment Editor, CHINEDUM UWAEBULAM, IRWA President, EMMANUEL MARK, a fellow of the Nigerian Institution of Estate Surveyors and Valuers, explains his mission and backed amendment of the Land Use Act to conform with the generally accepted standard of acquisition and compensation.

The Nigerian chapter of International Right of Way Association (IRWA) was inaugurated in 2013, as the first chapter in West Africa and the second in Africa, after South Africa and the global body has nearly 10,000 members from over 15 countries around the world, but little is known about the organization in Nigeria. Why is it so?

Indeed like you said, it is a global body of over 10,000 members from over 15 Countries around the world, though not popular like professional body in the built environment in Nigeria, however our members have been involved in most infrastructural and real estate projects in Nigeria. 2013 to date have been our years of growth and building of the Association. Our members have been operating through



various professional associations, like the Nigeria Institution of Estate Surveyors and Valuers, Nigeria Institution of Surveyors, Nigerian Bar Association (NBA), Nigeria Environmental Society etc. This is the first time IRWA Chapter 84 Nigeria is bringing professionals in the right of way practice under one roof.

The Nigerian chapter of the International Right of Way Association recently elected you as its president, what is your plan for the association, including giving it visibility?

For our Nigeria Chapter, my plans will be to unite efforts of our members towards individual development, improving service to our employers, the public, and advancement in the body of knowledge related to the professional tasks of our members. For this year, we have mapped out measures to create visibility and develop a viable communication plan. This interview is one of the means of communicating to the wider public about what we do and how we better the lives of our people through infrastructural and real estate consultancy.

IRWA is a volunteer-driven organization comprised of multi-disciplined professionals employed by private industry and government agencies, what are the opportunities for prospective members?

As stated earlier, International Right of Way Association comprises of a dynamic global community of dedicated professional members. We receive cutting-edge solutions to industry challenges through specialized education courses and seminars, a programme of professional development, as well as thought-provoking forums for the exchange and advancement of ideas. Our members will also have certification opportunities in appraisal, asset management, negotiation and acquisition.

IRWA is a platform for our members to have global industry-wide recognitions, designation and certifications and to elevate the role of right of way professionals by strengthening their industry relevance. In Nigeria, IRWA members include estate surveyors, land surveyors, engineers, and others involved in right of way acquisition and management.

With clear cases of mismanagement of right of way in major routes, which has affected meaningful developments, how do government ensure proper right of way management?

Often time Right of Way, already acquired is mostly mismanaged resulting to illegal occupants or squatters encroachments on the right of way properties. We will be available to offer our right of way management services to the government, especially managing various activities within unincorporated areas, including the review of construction traffic control plans, enforcement of illegal encroachments; the purpose of the right of way management is to provide appropriate traffic planning and coordination of all activities in the right of way acquisition processes.

A new report released recently revealed that Nigeria requires \$15bn (N4.59tn at N306 to a dollar) worth of investments annually for 15 years in order to adequately develop its infrastructure. Given the government's limited access to international debt, revenue constraints and competing priorities, how can the country meet its infrastructure demands?

For Nigeria to meet its infrastructure demands, the Federal Government will have to review its policies in order to achieve better business environment. The solution to inadequate infrastructure financing in the country is private capital funding, so efforts must be geared at bringing investment inflow. For instance, large transportation project in Nigeria require amounts beyond the capacity of the Federal and State Governments in any single year, given competing priorities; therefore, external funding



Emmanuel Mark with IRWA's Council on International Relations Chair, Mary Anne Marr; IRWA's Senior Vice President - International Relations, Daniel Stekol; and representatives from Nigeria, South Africa, Australia and Saudi Arabia.



Emmanuel Mark shakes hands with Mary Anne Marr, IRWA's Council on International Relations Chair.

sources will be inevitable for long-term projects.

So, Nigeria require stable multi-year funding mechanisms independent of annual fiscal constraints to catalyze long-term funding from various sources namely banks, contractors, pensions, donor, agencies and the bond market. We need a national infrastructure acupuncture plan and we must choose where to put the pin at every time. A developed country is not where the poor has a car, but where the rich use transport. Transforming Nigeria to meet its infrastructure demand is doable. All it need is better tariffs and regulations; public procurement approach; and the right investment climate.

What are the hindrances to implementing the best practices and emerging issues in right of way acquisition and compensation? Do you think total abrogation of the Land Use Act of 1978 is a major issue?

Right of Way acquisition and compensation is usually a challenging exercise. Global diversity of right of way acquisition and compensation have brought the issues of best to the front burner. Issues of right to

legitimate process; to notice; to be heard; to appeal; to transparent procedure and equivalent compensation among others have said to constitute the best practice in ROW acquisition.

As regards, the Land Use Act, I will rather advice for an amendment to the relevant sections of the act to conform to the generally accepted standard of acquisition and compensation instead of complete abrogation. For instance, section 29(4)(a) allows for an amount equal to the rent paid to the government as well as cost of improvements to the land. This ignores the fact that the allottee could have acquired the land from its original allottee at a huge cost in the open market. Right-Of-Way acquisition has become an integral component of the overall planning and implementation of highway and transportation projects.

What is your association's relationship with the federal and state governments?

Our association is the foremost organization of global infrastructure real estate practitioners, with the primary purpose of improving the quality of life through infrastructure development. Our relationship with

various Federal and State agencies has been cordial. Before now, our members have been working with government agencies, Individual and through their various professional associations, however, we will be offering better services through our multi-disciplinary membership.

The dual objective of every Right-Of-Way activity are to ensure security of the assets and to guarantee that the assets can be sustainably managed such that income streams can finance costs of capital over time, how is your association playing this role?

As an association, we ensure that our clients received cost-effective right of way services to guarantee income to finance cost of capital. It is also to note that capital is, of course necessary, it is not sufficient to ensure success. Capital has to be focused on the right projects and then spent judiciously.

There have been various complaints by communities and property owners that they are shortchanged in course of compensations for government's acquisitions. How do you ensure your members uphold the ethics of their profession?

As an association, we recognize the responsibility of the right of way profession to the people and businesses we serve and believe that we should encourage and foster high ethical standard in our profession. We adopt a code of ethics for our constant guidance and inspiration predicated upon the basic principles of professional competence, character, integrity, fairness, commitment and trustfulness. These principles provide the foundation for establishing and maintaining all professional relationship. ★