

UNIVERSITY OF ILORIN



THE TWO HUNDRED AND SEVENTY-THIRD (273RD) INAUGURAL LECTURE

“DEVILS AND SAINTS IN THE LEGAL LANDSCAPE OF PUBLIC-PRIVATE PARTNERSHIP IN AFRICA”

By

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**DEPARTMENT OF BUSINESS LAW,
FACULTY OF LAW
UNIVERSITY OF ILORIN, NIGERIA**

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Faculty of Law,
My Lords Spirituals and Temporal,
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Ladies and Gentlemen.

Preamble

My sojourn to the world of knowledge which formally began in 1983 at Baboko Primary School, Ilorin, through University of Ilorin, Obafemi Awolowo University, University of Malaya and the Nigerian Law School is today completed with the honour and grace bestowed on me by the Almighty Allah (SWT) to stand before you to present this inaugural lecture. I must confess that the journey has been consistently tedious, excruciatingly demanding, but with reasonable degree of comfort. I thank the Almighty Allah for His countless blessings upon me. I always ask myself which of the favours of Allah (SWT) can I deny? *Fabiayi Aalahi Rabbikumaa Tukazzibaani?* I express my gratitude to Allah and I ask for His guidance. I thank the Vice-Chancellor for giving me the privilege to join the league of scholars who have observed this age-long academic tradition. This inaugural lecture that I stand to present today is

the 273rd in the University and the 3rd in the Department of Business Law.

Mr. Vice-Chancellor, it was not too challenging making the choice of this title having researched extensively in this area. Also, the University of Malaya, Malaysia where I bagged my Doctorate Degree sent me on further research to three selected African countries in order to understand the practical constraints facing the legal landscape of Public-Private Partnership in selected countries in Africa and come up with recommendations for implementation not only for African countries, but for all other developing nations of the world. Vice-Chancellor sir, with the above brief background, I present this inaugural lecture which is the 1st of its kind with a focus on the legal landscape of PPP in any Nigerian University.

Introduction

Mr. Vice-Chancellor, Africa is a continent with huge agricultural and minerals resources. It is home to about 30 percent of the world's mineral reserves, 12 percent of the world's oil and 8 percent of the natural gas reserves respectively (<https://mo.ibrahim.foundation/sites/default/files/2022-11/mineralsresource-governance.pdf>). Despite this, the continent faces huge infrastructure challenges. It is estimated that over 640 million people, about half of Africa's population lack access to electricity, almost 418 million people have no access to safe and clean water. In fact, a World Bank report shows that about 40 Billion Hours are being spent annually by African women and children in search of safe and drinkable water. This is equivalent to a year of labour for the entire workforce in France (**Adekilekun & Gan, 2019, p. 308**). Undoubtedly, the state of infrastructure development in developing African countries does not meet the requirements for economic development and advancement. Except for South Africa, which falls in between the poverty of developing nations and the prosperity of developed nations, all other country in the continent are regarded as third world nations.

As a result of the growing population and urbanisation, citizens demand and require new roads, light rail networks, bridges and tunnels, water and sanitation plants, prisons, hospitals, schools, dams, roads, electricity, modern airport and other social and economic infrastructure. According to the African Development Bank, (ADB), for Africa to fill the infrastructure gaps, an expenditure of between \$130- \$170 Billion would be required annually for the next ten years (<https://www.devex.com/news/sponsored/the-push-to-close-africa-s-infrastructure-funding-gap-107030>). It is, therefore, apparent that governments and donor agencies alone, even at the best of economic times, lack the capacity to fill the infrastructure gaps, and so harnessing private capital can help to speed up the delivery of public infrastructure.

In recent times, a worldwide movement has taken place in respect of Public-Private Partnership (PPP) especially in developing countries. The main aim of this innovation is to introduce effective functioning principles of the private sector into public administration. This move was necessitated by the need to reduce inefficiencies and wastages in public spending, to make up for lack of managerial skills, and to attract private capital in the provision of public infrastructure. (Adekilekun, Gan & Fu guo, 2018, p.35).

Vice-Chancellor sir, at the inception of this work, it was my initial intention to give an account of the findings of my research on the developing countries generally. However, the World Bank database suggests that other regions of the developing world have moved ahead of Africa in terms of their involvement of private sector in infrastructure development. It is as a result of this that I have decided to focus this lecture on my findings in developing African Countries. At the end of the day, whatever the findings and recommendations arrived at will also be applicable to all other developing nations in the world.

History of Public-Private Partnership

Public-Private Partnership has been used as concessions to finance infrastructure projects in the Nineteenth

Century (Nyagwachi, *et al.*, 2006 p.7). One of the earliest and best known water projects was the Suez Canal which was managed by the private sector until it was nationalised in the 1950s. Tolling commenced in the United States between 1789 and 1900. While over 2,000 private companies operated turnpikes in Ohio, New York, Michigan and Albany as a result of inadequate highways that existed at that time. In the 1960s, Spain embarked on its motorways programme which was financed by the private sector because of the inadequacy of the national budget to meet the infrastructure demands of the country at that time (**Adekilekun** and Ali, 2023, p5).

The energy crisis in the 1970s led to the collapse of most of these private companies which necessitated the nationalisation of some of those enterprises. Also at that time, the Labour Government in Britain was of the view that the market economy was very unfair and imperfect. Leaving the means of production, distribution and exchange to market forces was considered inequitable and that this would lead to the marginalisation and impoverishment of the people.

Change in economic conditions, however, saw the process being reversed in the 1980s when it became clear that governments as entrepreneurs had not succeeded. Most of their investments in commerce had been a colossal waste of government revenue. Interestingly, the philosophical position in the United Kingdom had begun to shift. Then, the Conservative Government of Margaret Thatcher had defeated the Labour Government of Sir Harold Wilson. Both Margaret Thatcher and Ronald Reagan of the United States were of the firm view that Government had no business in commerce. The only role of Government was to provide a conducive and an enabling environment for entrepreneurs to flourish (**Adekilekun** & Gan, 2019, p.305).

Also, in the 1980s, China under the visionary leadership of Deng Xiaoping radically pursued a policy of private enterprise which changed his country's policy of overdependence on failed state enterprises. This paradigm shift ushered in a new era of

positive economic outcomes that continue till today. His famous Chinese saying was that “don’t care what colour a cat is as long as it catches mice” which has unraveled China’s economic miracles.

Vice-Chancellor sir, in recent times, a worldwide movement has taken place in respect of Public-Private Partnership. PPP as a developmental strategy has increased tremendously and has gone far beyond the nations of the European Union. Other countries, including China, the United States of America, South Korea, United Kingdom, Ghana, Brazil, Malaysia, South Africa, Nigeria and India among others, have consistently adopted this developmental initiative.

Conceptualising Devils and Saints

Devil is the essence of evil or also called Satan. Both Satan (Shaitan) and Lucifer are used interchangeably to refer to the Devil—the chief adversary of God in Judaism, Christianity and Islam. It is synonymous with problem, cause or source of problem. In this context, devils are anti-progressive laws that hinder the successful implementations of PPP projects. It is also used to also mean demons. The demons are the regulators and other parties in the PPP implementation cycle that engage in nefarious activities that could impede successful PPP projects. They seek personal gains through foul means to the detriment of the public. In essence, devils are the causes of failure of PPP projects.

Saints on the other hand refer to the combination of the laws, regulators, regulations and other players in the PPP project cycle that are important in the successful implementation of PPP projects. Politicians and bureaucrats who exhibit these qualities fall within the ambits of saints. The saints also include a wide range of public officers who wield some power in the policy cycle and have the political will to work at getting the project implemented successfully (Aryee, 2000, p.3). Saints work towards the successful implementation of PPP projects.

Public-Private Partnership and Infrastructure

Infrastructure is very critical to the socio-economic advancement of any nation. In fact, they are the wheels through which nations' economies are run. Infrastructure creates the basic services and facilities that are needed for the economic advancement of a nation. Poor infrastructure on the other hand hinders economic growth and international competitiveness. A nation's level of infrastructure has a direct bearing on the competitiveness and its attraction to investors (**Adekilekun & Ali, 2023, p.14**).

Roads and highways were considered to be the earliest human demand for infrastructure. The first world's known paved roads were laid in Egypt between 2600 and 2200 BC (Rajeev, 2010 p.1). Indeed, it could not have been possible to build the pyramids in Egypt without the roads on which the heavy limestone blocks were dragged. Also, stone paved roads were found in the city of Ur in the modern day Iraq since 4000 BC (**Adekilekun & Ali, 2023 p14**). No doubt, civilisation advanced or declined around the qualities of their road networks. The ancient Roman, Persian, Chinese and Indian civilisations built road networks that encouraged and advanced trade and commerce among those empires and also assisted them in the transportation of military equipment. The technological advancement in the world today could not have been possible without the invention of electricity and its applications in the eighteen century by the great scientists like Benjamin Franklin, Alessandro Volta, Michael Faraday and many others (Rajeev, 2010 p.2).

Infrastructure has been categorised into two broad categories. These are economic and social infrastructure. Economic infrastructure are highways, energy, ports, dams, bridges, telecommunication while social infrastructure are prisons, education and hospital buildings, sewage, child care and aged care institutions. It also includes security infrastructure such as Close Circuit Television (CCTV), video surveillance and satellites to monitor the activities of terrorists and criminals in order to achieve specific risk mitigation objectives (**Adekilekun & Gan, 2014, p.753**).

Benchmark for Public-Private Partnership Viability

Vice-Chancellor sir, there are three benchmarks for determining PPP viability. These are Affordability, Value for Money (VFM), and Risk Transfer. When choosing between PPPs and public procurement, the key question to ask is which of these will be more affordable and deliver better value for money. A PPP project is said to be affordable if its expenditure and other mode of delivery can be accommodated within the budget constraints of the government. Government should first of all determine whether the proposed PPP Project can be conveniently accommodated within the current level of its expenditure and revenue. If the outcome is in the affirmative, then such PPP project passes the test of affordability.

In PPP, Value for Money (VFM) must be the most primary objective of the project. A PPP project is said to be affordable if it increases VFM. Every PPP Project should be able to demonstrate that users will get value in return for the money they are parting with and that the cost to be paid by the users of the projects will be lower than the one paid for the services provided by the public sector.

Risk plays a fundamental role in the success of PPP projects. Risk bearing is one of the main determinants of whether the project is conducted as a public procurement or a Public-Private Partnership. In public procurement, government specifies the quality and quantity of goods and services and may also specify the design of the projects, so that the private sector builds the project to specification. In such cases, government carries the risk involved in the service delivery. In Public-Private Partnership, however, the private sector specifies the designs and also sets the quality and quantity of the projects to be undertaken. In such cases, the private providers would be the ones to carry the risks. The ability of both the public and private sectors to identify, analyse and allocate risks will help a great deal to achieve value for money.

Mr. Vice-Chancellor, based on my findings, the rationale for the transfer of risks in PPP is that risks should be transferred to the party who will be best able to manage it. Therefore, if the

cost of preventing the occurrence of a devastating event is far less than the cost of dealing with the consequences of such an adverse event, then risks should be transferred to the party who will be in the position to best manage it (**Adekilekun et al.**, 2018, p.36) In most cases, it is the private sector that is most appropriate in the circumstances.

Benefits of Involving Private Sector in the Development of Infrastructure

Under the PPP initiative, both the government and the private sector stand to benefit from the arrangements. Government earns the confidence and good image of performing its social responsibilities which it has been unable to do. It also earns revenue by leasing state-owned assets or alternatively pays the private sector for improved infrastructure and better service delivery. These reasons have been grouped and discussed under five major sub-headings. They are:

a. Attracting Private Capital Investment

Governments are attracted by the benefits of mobilising private capital. The estimated demand for public infrastructure is huge and sometimes above the entire budget projection of a nation. By leveraging private capital, government can fund the budget to provide key infrastructure projects that will drive economic growth and create jobs. A typical example of a project financed with the support of the private sector is the R2.6 Billion PPP project for the N3 and N4 toll road linking the South African provinces of Gauteng, Limpopo and Mpumalanga to the port of Maputo in Mozambique. Mozambique lacked the required funds to rehabilitate and maintain its own part of the N4 highway, the railway line and the ports which were long damaged as a result of the civil war that ravaged the country. As a result of this, the PPP approach was then resorted to, and with the cooperation of the private sector, the project became a reality (**Adekilekun & Gan**, 2010, p.310).

Thus, harnessing private capital can assist governments to speed up the delivery of public infrastructure without delay. The banking and finance markets have moved to accommodate

the needs of PPP transactions. We have seen extraordinary change in the length of time for which financial institutions are willing to lend (Avery, 2006, p.1). Also, Pension Funds Administrators are also becoming interested in long term fixed-income investment which PPP provide. If this type of fund is applied to the provision of infrastructure, it will surely assist both the government and the private sector and it may also result into profit for the pensioners.

b. **Efficiency and the use of Resources**

Scarce public resources are not being used efficiently by the government. Also, because of the poor incentives for efficiency, the public sector is not rightly positioned to efficiently build and operate infrastructure. Combining such incentives in the operation and management of the public infrastructure through the private sector is, therefore, necessary. Typically, private sector operators enter into such transactions with the intention of maximising profits which are geared majorly by increased efficiency in investment and operations. If the PPP projects are designed in such a manner as to allow the operator realise this goal, the efficiency of the infrastructure services will be achieved (Adekilekun & Gan, 2019, p.310). One major reason why it is better to adopt PPP instead of privatisation is where effectiveness, rather than efficiency, is also an aim of the government. A policy becomes effective where the aim of government with respect to which it was conceived is achieved, irrespective of whether the aim is carried out in an efficient manner or not. Achieving the result is the aim, and such aim is carried out effectively.

c. **Reformation of the Sectors through a Reallocation of Roles, Incentives, and Accountability**

Once risks, roles and responsibilities are reallocated, there is the tendency that efficiency and accountability will be assured. Also, corruption which is common in conventional procurement will be greatly reduced thereby enhancing greater output (Adekilekun & Gan, 2019 p.311).

d. **Technology, Innovation and Know-how**

The involvement of the private sector opens access to new technologies and experienced management not currently available through public monopoly. This will include access to skills and those technologies and know-how which were otherwise not known to the public sector. These technologies may even be developed for the project specifically which would not have been developed under the traditional procurement system (Adekilekun & Gan, 2019, p.312).

e. **Transparency and Anti-corruption**

Lack of transparency and good governance increases the likelihood of bribery and corruption, reduces competition, increases costs and reduces quality of the output. Openness and good governance will lead to equality in the treatment of the investors and it will promote competition. PPP projects, therefore, provide opportunity to implement good governance in the process of implementation.

Public Procurement and Public-Private Partnership

The term Public Procurement refers to the entire process of government acquisitions (Arrowsmith *et al.*, 2000, p.2). PPP is thus an alternative to the traditional procurement system by providing the needed facilities to the public sector using funding generated by the private sector. In PPP, government usually sets a target as to the quality and quantity it requires. The designing, financing, building and the operation of the project is left to the innovation of the private sector. This is because if the government carries out the design itself, it would also have to carry the risk resulting from faulty design.

Thus, the risk and the possible efficiency gains are better left to the private partner. In this method, the government does not buy the capital assets from the private sector directly rather, it buys the services which the private sector generates through the assets. In PPP, risks relating to the cost of design and construction, usage of the facility, services provided by the facility and the operation and maintenance cost are all transferred from the public authority to the private sector (Yescombe, 2007, p.18).

Vice-Chancellor sir, privatisation connotes the act of reducing governmental roles and increasing the roles of the private sector in satisfying people's needs. It also connotes transferring a government facility to the private partner, usually with ownership, for it to be managed and operated in accordance with some set objectives. Privatisation and Public-Private Partnership reflect market principles and the two of them constitute a strategy for improving public management. PPP is sometimes confused with privatisation. Privatisation connotes the permanent transfer of public ownership of an asset to the private sector while in PPP; there is a continuing role to be performed by the public sector as partner (Farquharson *et al.*, 2014, p9).

Public-Private Partnerships in the Global Market

A report from the United Nations Commission on International Trade Law (UNCITRAL) Secretariat stated that the total value of PPP transactions in India alone may exceed US\$1 trillion within the next five years while PPP initiatives are also increasingly being used in other countries of Central and Southern America, China and other countries in the Asia and the Pacific (<http://www.uncitral.org/uncitral/en/commission/colloquia/public-private-partnerships-2013.html>). As at the end of year 2022, the aggregate value of public-private partnership transactions that reached financial close in the European market was put at GBP9.8 billion (https://www.eib.org/attachments/lucalli/20230009_epec_market_update_2022_en.pdf)

Mr. Vice-Chancellor, one of the biggest stories in the global businesses today is the China's One Belt, One Road Initiative (OBOR) which is a development strategy proposed by China's President, Xi Jinping that focuses on connectivity between Eurasian as well as African countries. This initiative aims at creating the world's largest platform for economic cooperation, trade and financing collaborations amongst others (**Adekilekun** *et al.*, 2018, p.2). This Public-Private Partnership initiative will connect China to Africa and the rest of the world. As at 2023, China's finance is in excess of USD1.053 trillion accounting for about USD634 Billion in construction contracts

and USD419 in non-financial investments (<https://greenfdc.org/china-belt-and-road-initiative-bri-investment-report-2023/>). The PPP market in Africa is heavily concentrated in just a few countries, notably South Africa, Nigeria, Egypt, Ghana and Morocco which together represent more than half of all PPP projects on the continent by value.

Need for Legal Certainty and Regulatory Stability in PPP Transactions

Mr. Vice-Chancellor, due to the complex nature of PPP transactions and the huge amount of capital involved, private sector investors will always want to examine the legal landscape and its ability to ensure the effectiveness of long-term PPP contracts. From the extensive research that we have conducted, the following pertinent questions are likely to be asked by the prospective investors: Does the public authority have the legal capacity to transfer the provision of the public service to a private sector party? What would be the investors' rights if a contract is terminated early and what are the government's rights if the investors walk away? How fair and transparent is the bidding process likely to be? Are there sector regulations and regulatory institutions that oversee the PPP projects? If so, what is the hierarchical relation between those sector regulations and the content of a particular contract and are they consistent? How will contract disputes be resolved and enforced, and what rights and obligations are required of the parties if the project does not go according to plan? (**Adekilekun et al.**, 2013, p.67).

Vice-Chancellor sir, other questions that may arise are: what are the roles of the regulators, if any, and how much discretion do the regulators have? How will local accounting regulations affect the distribution of profits and how will repatriation of profits be treated for foreign investors? What would be the faith of the investor in the event of a frustrating event such as (COVID-19) that may prevent or hinder the performance of such contract? (**Adekilekun, Ahmed & Egbewole**, 2020, p.25) Do the lenders have the right to enforce their security in the event of borrower default? How will payments be taxed under the project (for example, Value Added

Tax)? Who will bear the risk of a change of law, and what is the likelihood of such changes? What restrictions, if any, will there be on the use of qualified expatriate personnel? And lastly, are unsolicited proposals permitted, and, if so, how will they be treated?

Mr. Vice-Chancellor, the extent to which these pertinent legal issues are addressed in the legal and regulatory framework will determine largely the willingness of the investors. In Africa, while few of the countries have PPP legislations, the number of successful PPP projects remains limited as a result of these serious legal issues. Also, neither the African Union (AU) nor any of its regions in the Southern, Western, Eastern or Northern Regions has a model legal framework that can guide its member states (**Adekilekun & Ali, 2023, p.94**). These are parts of the reasons why many projects have failed to achieve their intended outcomes.

The Current State of Infrastructure in Africa

The record of infrastructure in Africa has been both impressive and disappointing. Impressive in the sense that in the 1960s when most African nations got their political independence, infrastructure was almost non-existent. Upon independence, most African leaders swung into action to provide critical infrastructure to their nations. Infrastructure started flourishing because as at that time, most African governments wanted to showcase to their people what is called “the fruits of independence”. This was made possible by the commitments of those leaders at that time and with the help of the multinational institutions (**Adekilekun & Gan, 2019, P.306**).

Since the late 1980s, however, the state of infrastructure in most African countries has started deteriorating. In spite of urbanisation and industrialisation, the existing infrastructure were not upgraded or modernised to meet the needs of the growing population. The combination of poor management, poor policies and state monopolies, absence of effective maintenance and lack of re-investment had led to deterioration of infrastructure and had occasioned massive losses. In the process, everyone had become a loser, the consumers, the operators, and the state as well as other sectors of the economy.

The state of infrastructure in Ghana currently does not meet the requirements for economic growth and development. The World Bank recommends that 7-9 % of the Gross Domestic Product (GDP) of the developing African countries should be invested in infrastructure. Today, Ghana's infrastructure development is relatively poor, both in qualitative and quantitative terms, in spite of its growing economic wealth (**Adekilekun & Gan, 2015, p.59**). Investment in public infrastructure in recent times has not matched the increasing need of the population. Underinvestment in road transportation, electricity, housing, water and sanitation has posed a serious challenge to the government in its quest for rapid development.

Kenya with its robust economy in the East African region still faces challenges in its power sector. Low levels of access to household services, underfunding of road maintenance, and negative progress on the Millennium Development Goals for water supply and sanitation are other challenges to the socio-economic development of that country. But addressing Kenya's infrastructure deficit will require sustained expenditures of approximately \$4 billion per year (20 percent of GDP) over the next decade (https://www.researchgate.net/publication/228304223_Kenya%27s_Infrastructure_A_Continental_Perspective).

In Nigeria, the existing network of highways in the country is not only inadequate but also largely in a deplorable state. A vast section of the country remains unconnected to the national grid and the areas connected suffer from epileptic power supply most of the time (**Babalakin, 2009**). The same unsatisfactory state of affairs applies to other infrastructures with the possible exception of telecommunication which has enjoyed very significant private sector investments in recent times (**Adekilekun, Basiru & Ali, 2020, p.1**). South Africa has to a large extent, developed procurement legislations. Despite the success stories of PPP transactions in that country, the number of new projects has declined in recent time. Corruption, lack of consistent political resolve are part of the challenges facing PPP projects in South Africa (**Adekilekun & Gan, 2015, p.322**).

Vice-Chancellor sir, it is, therefore, important at this juncture to briefly analyse the current situation of infrastructure in Africa.

i. **Electricity Infrastructure**

Power blackout is a regular phenomenon in most African cities, towns and villages with negative impacts on the quality of lives and economic development. Most of the electricity equipment that were erected in the 1950s and 1960s are ageing and operating at a sub-optimal level due to lack of maintenance. Countries in Sub-Sahara Africa are still plagued with electricity crisis due to unreliable supplies, insufficient generating capacity and high tariffs being paid by the consumers (Adekilekun & Gan, 2019, p.307). Electricity generation in the region is the lowest compared to all other regions in the world, whereas the average tariff being paid by the consumers doubles that of other regions in the world. The total electricity generation of 48 countries that make up the Sub-Saharan Africa (with a combined population of about 800 million people) stands at about 72 Gigawatts (GW) (<https://assets.bbhub.io/professional/sites/24/Africa-Power-Transition-Factbook-2024.pdf>) which is far lesser than that of Spain alone (with a population of about 47 million people) which generated about 124 Gigawatts (GW) in 2024 (<https://www.statista.com/statistics/1002759/installed-power-capacity-in-spain/>). Without South Africa, the total falls to a mere 30 GW, which is far less than the installed capacity of Argentina.

ii. **Water and Sanitation**

According to the United Nations Environmental report, it is estimated that in Africa, over 418 million people lack access to clean and safe drinking water. Averagely, it is estimated that women and children in Sub-Saharan countries walk for about six kilometers daily in search of safe and clean water. African countries have advanced various reasons for not being able to meet the challenges of providing clean water and sanitary environment and also for not implementing the integrated water management policies. The effects of lack of access to water and sanitation have a macroeconomic impact on the continent and the benefits of improving access to water and sanitation are very enormous (Adekilekun & Gan, 2019, p.308).

iii. **ICT infrastructure**

In recent times, the telecommunications industries all over the world have also evolved. Internet broadband is now considered as central to a long term economic development strategies of a nation. However, despite this progress, Sub-Saharan Africa remains the region with the widest usage and coverage gaps. Almost half of the 400 million people that lack mobile broadband coverage worldwide live in Sub-Saharan Africa (**Adekilekun & Gan, 2019, p.309**).

iv. **Road Infrastructure**

The condition of roads in Africa continent ranges from fair to poor. There are relatively very few roads in good condition. In Nigeria for example, the existing network of highways in the country is not only inadequate but also largely in a deplorable state. In Kenya, between January and April 2024, over 2,000 deaths have been recorded as a result of road accidents while over 10,166 others nursing varying degrees of injuries (<https://scienceafrica.co.ke/2024/09/11/road-crashes-2407-kenyans-die-in-first-half-of-2024/>). The situation in most Sub-Saharan countries is not so different. In Nigeria, aside the deplorable state of roads, bad drainage system, deadly potholes, fallen bridges and lack of maintenance are part of the reasons for deplorable state of road infrastructure. (**Adekilekun & Ali, 2023, p.56**). Rural Africa has only 34% of access roads compared to about 90% in the developed world. About 80% of the cargo loads in sub-Saharan Africa are taken through the roads. Good national and regional transportation links are very vital to the governmental policies of reducing poverty and hunger.

Public-Private Partnership Models

Mr. Vice-Chancellor, there are several of public-private partnership models. These are:

a. **Design, Build, Operate and Transfer (DBOT)**

These are contracts in which the private sector is responsible for the designing, financing, building and operations of projects. Ownership and control of the project will then be transferred back to the public authority after the period agreed

under the contract. This type of arrangement is used in complex and long-term projects like in power plants and water treatment facilities. In some arrangements, the government does not assume ownership of the project. In those cases, the company continues running the facility and the government act as both the consumer and regulator. This is the most commonly adopted of all the PPP Models in most African countries. This is because the private sector is involved from the first stage of the design. It sets the design and thus, understands the risks that are likely to be associated with it (Adekilekun, unpublished Ph.D thesis, 2014 p.61).

b. **Build, Own, Operate and Transfer (BOOT)**

This is an arrangement whereby the project is designed, financed, operated, and maintained by the private sector for the agreed period of the contract. Under this arrangement, legal ownership of the project is vested in the private partner. During the lifespan of the contract, the developer charges customers who use the infrastructure in order to realise the profit. At the end of the period, the private-sector partner transfers ownership to the public authority, either freely or for an amount stipulated in the original contract (Adekilekun & Ali, 2023, p.33).

c. **Design, Build, Operate and Maintain (DBOM)**

The design-build-operate (maintain) DBOM model is a type of arrangement in which the private sector combines the responsibility of designing, constructing, operating and maintenance of the infrastructure. This project delivery approach is practiced by several governments around the world and is known by a number of different names, including "turnkey" projects. The arrangement has a great advantage because it confers responsibilities on the private sector to design, construct, and maintain - under a single entity. This allows the private partners to take advantage of a number of efficiencies.

d. **Build, Own, Operate (BOO)**

In this type of arrangement, there is no provision for the transfer of ownership of the project to the government after the

concession period. The private sector is saddled with the responsibility of funding, designing, constructing, operating and maintaining the project. However, the agreement may be renegotiated giving the option to the government to purchase from the private sector developer. One important feature of this type of arrangement is that the private sector assumes the ownership of the project outrightly. However, this may later be purchased by the government. Both the risks and the revenues are totally for the private partner developer. This type of arrangement is mostly common in power projects.

e. **Concession**

This involves a consortium of private firms forming a new project company usually called Special Purpose Vehicle (SPV) with the responsibility to finance, build, expand, and improve public sector services. Usually, the private sector borrows a long-term loan from the commercial lenders. The private sector gets its profit from the revenue accruable from the users of the facilities directly for the duration of the concession. Franchise is a subset of concession. In Franchise, the private partner takes over an existing infrastructure often with a mandate to maintain it within a stipulated period of time. In this arrangement, the private party will pay a sum of money to the government in order to take over the infrastructure (Adekilekun, unpublished Ph.D. thesis, 2014, p.65).

Legal Landscape of PPP in selected Countries

Vice-Chancellor sir, in the course of my research, I examined the legal landscape of selected African countries in order to examine whether the laws and regulations available will make PPP to thrive. These countries are South Africa, Nigeria and Kenya:

Legal Framework for PPP in South Africa

Vice-Chancellor sir, the law and policy developed for Public-Private Partnership in South Africa make it amongst the leading countries in the field of PPP in the world. The legal and institutional frameworks put in place to govern (PPP) are comprehensive and encompass the detailed provisions for

procurement and monitoring of PPP Projects (**Adekilekun & Gan** 2016, p.118). As part of this strategic approach to building economic resilience in South Africa, the investment and participation of private investors are considered as cardinal to the growth and development of the nation. The country is now on a development plan to remedy the poorly implemented infrastructure plan during the apartheid years, and to meet the demands of a growing economy and population. If the government is to successfully lay a solid foundation for growth and infrastructure development through the private participation, then a comprehensive legal and regulatory framework must be put in place.

The Bill of Rights contained in the South African Constitution provide for some basic developmental rights which have been judicially recognised by the Constitutional Court in *Government of the Republic of South Africa Vs. Grootboom & Others* (2000 (11) BCLR 1169 (CC)). These include right of access to adequate housing, right of access to health care, sufficient food and water, the right to social security, basic and on-going education (Shehu, 2013, p.108). This is because the right to life will be meaningless without ancillary rights to access to food, health, shelter and clean water. Also, there cannot be “right to dignity of human person” without corresponding rights to education. As a result, governments at all layers are urged to provide the needed infrastructure to support the enjoyment of these rights by all South Africans.

Unlike Nigeria and most other African countries, provisions relating to procurement are entrenched in Section 217(1) of the South African Constitution. In 1999, the first major legislation on Public-Private Partnership in the country was enacted. These provisions are set out in Treasury Regulation 16 issued by the National Treasury in accordance with the Public Finance Management Act, 1999 PFMA which for the first time established a dedicated PPP unit within the National Treasury in the year 2000. Specifically of note is the provision of Section 76 of the Act which empowers the Treasury in making regulations

and or issuing instructions to the relevant institutions to which the Act applies in the determination of a framework that is appropriate for procurement and system which is fair, equitable, transparent, competitive and cost effective (**Adekilekun & Gan, 2016, p.124**).

Other important legislations in the South African PPP initiative are the Municipal Finance Management Act (MFMA) 2003 and the Preferential Procurement Policy Framework Act 38 of 2000. Also, in order to combat corrupt activities in the procurement process, the South African Parliament enacted the Prevention and Combating of Corrupt Activities Act. This Act provides for stringent measures to combat corruption and the establishment of a register of persons and companies convicted for corruption and thereby prevent them from benefiting from public sector procurement. Once a name of a person or enterprise is registered in the list of corrupt persons, he or she is disqualified from participating in the PPP procurement process (**Adekilekun & Gan, 2016, p.126**).

The South African National Treasury, the key government department which is saddled with the responsibility of monitoring and approving these deals, has developed various programmes and sound policies which are key factors in the growth of the scheme. The first PPP to be carried out in South Africa in accordance with National Treasury Regulation 16 was the Inkosi Albert Luthuli Central Hospital for the upgrading and management of the hospital's facilities, one of the biggest in Africa with most sophisticated facilities. This project is a Design, Finance, Build, Operate and Transfer (DFBOT) project worth about R4.5 billion and which has a 15 year contract term within which the private sector will recoup its investments. Since the enactment of these laws, several partnership projects have been executed at both national and provincial levels since the country became a constitutional democracy in 1994.

Legal Framework of PPP in Nigeria

In Nigeria, the dominant economic policy objective of the Federal Government at independence was to expand its role

through direct intervention and ownership in the nation's economy. With the international donor agencies' supports, the government was able to gain the commanding heights and dominated economic activities in the country (**Adekilekun et al.**, 2020 p.3). Revenue from oil and gas, royalties, taxes, minerals and natural resources, duties and other incomes accruing to the public coffers are mostly expended through the public procurement mechanism to take care of government acquisitions such as goods services and infrastructure. Aside this, loans, funds, grants, from donors and fiscal aids from international financial institutions like the International Monetary Funds, World Bank, African Development Bank (ADB) are also mostly spent on projects via the public procurement processes.

In July 1986, the Ibrahim Badamosi Babangida administration embarked upon the Structural Adjustment Programme (SAP). Part of the major objectives of SAP were to pursue deregulation and privatisation leading to removal of subsidies, reduction in wage bills and the retrenchment of the public sector ostensibly to trim the State down to size. To actualise this objective, the Federal Government, in July 1987, set up a Technical Committee on Privatisation and Commercialisation (TCPC) which was backed up by the Privatisation and Commercialisation Decree. However, because of long dominance by the public sector, the private sector had been weakened and as a result have diminished role in supporting development of public infrastructure.

Vice-Chancellor sir, between 1999 and 2005, projects with arrangements similar to those under PPP came under the control of the Budget Monitoring and Price Intelligence Unit (BMPIU) which was set up to ensure full compliance with the laid down guidelines and procedures for the procurement of capital projects (Akanbi & Olatunji, 2012, p.198). Although BMPIU did not directly control PPPs, it could be said to be the pioneer unit set up to oversee PPP transactions at the Federal level with regards to contracts that come within its jurisdiction (Sambo & **Adekilekun**, 2020, p.8).

The right of the private sector to participate in economic activities as recognised under Section 16 of the Constitution of the Federal Republic of Nigeria, 1999 (As Altered) has been given judicial recognition in the case of *Attorney General of Lagos State v. Eko Hotels Limited (2006) 18 N.W.L.R. (Pt 1011) 378, 439-440, Paras H-A*. As a result of the greater use of PPP in Nigeria, the Federal Government considered setting up a separate legal and regulatory framework for regulating and controlling PPP in Nigeria. Following this realisation, the National Assembly enacted the Infrastructure Concession and Regulatory Establishment Act in 2005 pursuant to which the Infrastructure Regulatory Commission was established in 2008 to develop policies and provide regulatory and institutional framework for an effective PPP programme in Nigeria. Other important legislations are the Privatisation and Commercialisation Act. No. 25 of 1988, Public Procurement Act, 2007, the Fiscal Responsibility Act and the National Policy on Public-Private Partnership and its Supplementary Notes. The Infrastructure Concession Regulatory Commission created by the ICRC Act plays a key role in the coordination and monitoring of PPP programme in Nigeria.

Legal Framework for PPP in Kenya

Mr. Vice-Chancellor, Kenya, like most other African countries has adopted as an alternative method to finance and provide infrastructure through the public-private partnership. Kenya's national development framework has set out Vision 2030 for the country. The vision seeks to achieve an annual growth of 10 percent through sustained investment in infrastructure, especially those of transportation, energy, telecommunication particularly through partnership with private sector players.

In an attempt to create an enabling environment that will be attractive to investors, the legal and institutional reforms were initiated by the government of Kenya. On 8th February 2013, the Public-Private Partnership Act was enacted as amended in 2021 (**Adekilekun & Ali, 2023, p.93**). This is the principal legislation governing PPP in Kenya. It establishes a comprehensive legal

framework for the design, implementation, and oversight of PPP projects. It also created regulatory institutions such as the Public-Private Partnerships Unit (PPPU), which facilitates the implementation of PPP projects. The Infrastructure Act of 2013, Public-Private Partnership Regulations of 2014, Public Procurement and Asset Disposal Act of 2015 were part of the key legislations put in place to ensure a robust legal framework for PPPs in Kenya.

My Modest Contributions to the Legal Landscape of Public-Private Partnership at the National and International Levels

Mr. Vice-Chancellor, during and after my Ph.D programme, as part of the requirements of conferment of Doctorate Degree in the University of Malaya in Malaysia, I was able to publish some reputable journal articles especially focusing on the legal and regulatory framework for public-private partnership in Nigeria, Ghana and South Africa. The government of Malaysia sponsored my trip for further research to understand the devils and saints in the implementation of PPP in the three African countries and with the assurance that Malaysia will also benefit from the findings of my research. I am happy to inform you that I was conferred with an Excellence Award Certificate for Ph.D. completion in less than 3 years and my recommendations have been implemented. Unlike the situation in Nigeria where implementation of findings of research is taken with levity, the government of Malaysia recognises the fact that no country can grow without the implementation of research findings. The Government, therefore, established the Ministry of Higher Education which has the responsibility of harvesting all research findings for possible implementation.

Vice-Chancellor sir, one of our published research works titled, “International Legislative Frameworks for Public-Private Partnerships: An Evaluation” which proposed Model Legislative Provisions and set out PPP best practices for any country that intends to adopt it as a procurement model has been published and catalogued in the United Nations Trade and International

Law (UNCITRAL) Law Library, Vienna since 2018 as one of the important materials on privately financed Infrastructure projects. This material represents the International best practices for PPP at the global level.

Mr. Vice-Chancellor, in November, 2017, I was invited by the Central University of Finance and Economics (CUFE) Beijing, China as a visiting lecturer to research on PPP in One Belt, One Road Infrastructure Initiative. Also, in October 2019. I was invited by the National Universities Commission to serve as a resource person for the finalisation of draft Benchmark Minimum Academic standards (BMAS) for procurement in the Nigerian Universities.

Similarly, our book titled “Public-Private Partnerships in Nigeria: An Essential Guide for Stakeholders” published in 2023 by LexisNexis South Africa co-authored with Prof. Yusuf Ali, SAN is the first of its kind in Nigeria today. The book, which provides a comprehensive guide for Public-Private-Partnership is intended for a wide range of stakeholders including lawyers, academics, judges, politicians, policy makers and private sector participants. Our efforts in this direction are to help government and its agencies, private sector, multi-lateral and bilateral institutions, expand their capacity in order to carry out successful public-private partnership projects.

Devils Facing Public-Private Partnership in Africa

Vice-Chancellor sir, as stated earlier in this lecture that for PPP projects to be successful, there is the need to identify the devils that contribute to the failure of the PPP projects. They are the challenges which must be addressed in order to make the initiative to work. From my research over the years, the followings are the challenges:

1. **Absence of adequate Political will to ensure that PPP**
Unless governments in Africa and their agencies are absolutely determined that PPP projects succeed, there are sufficient vested interests against PPP that would ensure that the government's initiative to promote PPP fail. This is particularly important in the early stages because if too many pioneering efforts to implement PPP schemes fail, potential investors will lose interest and this very useful tool for economic development would have been lost.
2. **Risks associated with Political Transition**
Political transitions may bring about a change in the governmental policies especially as far as PPP contracts are concerned. Political transition is a common risk in most African countries. It poses a great challenge to this developmental initiative.
3. **Inconsistency and uncertainty in the Legal and Regulatory Framework**
Aside the lack of comprehensive legal framework which I have earlier identified, there are also issues of inconsistencies and uncertainties in the legal framework for PPP within a legal order. Nigeria, being a complex federating state, still has conflicting provisions as to which of the Ministries, Departments or Agencies of Government has the exclusive right to grant concession contract. There are series of laws that will be applicable such as those relating to land, contract, conflict resolution, and various establishment laws guiding the government agencies and parastatals that are inconsistent. All these need to be harmonised together for PPP to work.
4. **Slow Pace of Justice Delivery System**
Slow pace of justice delivery system is a major impediment to doing business in most African countries. Due to the complex nature of the PPP agreements, there are bound to be disputes arising from the transaction. It is, therefore, envisaged that parties would approach the

court for amicable settlement of their disputes. However, the justice system in Nigeria, Zimbabwe and Cameroon among others is indeed very slow. Delay of cases in courts often lead to frustrations, disappointments and denial of justice (**Adekilekun, Basiru & Ariyoosu, 2020, p.302**). Some cases in Nigerian courts have lingered for as much as 20-30 years before they are finally concluded. This frustrates the litigants and erodes investors' confidence in the judiciary (**Adekilekun, Abdullahi & Egbewole, 2020, p.124**). Aside the slow pace of justice system, administration of justice in Africa is faced with several other challenges such as lack of required infrastructure for the functioning of the judicial system, lack of judicial courage and judicial independence as well as budgetary constraints amongst others (**Adekilekun et al., 2023 p.32**).

5. **Failure to Honour Contractual Agreements**

Failure to honour contractual agreements is also one of the most important challenges which the private sector is facing as regards the implementation of PPP contracts in some African nations. This culture of impunity is most common in Nigeria. An average public servant believes that government is not bound to honour its contractual obligations or that the government can unilaterally rescind contracts it voluntarily entered into.

6. **Resistance from the Civil Service**

Public-Private Partnership is meant to be partnership between the public and private sector in which responsibilities, risks and obligations are shared between the two in the most optimal way, to guarantee the highest benefit to the public. Unfortunately in Nigeria, the average civil servant tends to perceive the private sector concessionaire as the enemy that wants to deprive him of his job, relevance and income. The tendency is, therefore, to treat the concessionaire as an adversary that must be overcome and run down at all costs.

7. **Negative Perception from the General Public**

In most African countries, citizens are still very suspicious of PPPs and believe it is a means of transferring the commonwealth of the nation to the favoured friends and cronies of the government in power. For instance, it is strange but true that till date most Nigerians believes that the Federal Government awarded a contract to the concessionaire to construct the MMA II from which the concessionaire made a handsome profit and in addition won the right to operate the airport which is a gold mine. The reality is that as at then, the concessionaire invested in excess of N10 billion in equity and incurred debt in excess of N20 billion at double digit interest rates to complete the project (Adekilekun, Unpublished Ph.D thesis p.176).
8. **Resistance from Staff Unions**

This is similar to the challenges faced with the civil servants which constitute the staff unions. The difference is that instead of using the regulatory functions, the unions put pressure on the government and the regulating agencies through their activities to truncate the project implementation.
9. **The Challenge of Raising Long Term Credit Facilities Locally**

PPP projects are mostly for long term. Most Nigerian banks only grant a short term or medium term finance. As a result, raising fund to finance any PPP project in Nigeria has become a major challenge. The situation seems to have improved since the consolidation of banks in 2005 which greatly increased the capacity of Nigerian banks to bear long term credit risk. The reforms in the Nigerian pensions system and the consolidation of insurance sector allow pension funds to be deployed to building infrastructure.
10. **Corruption**

Corruption is a major impediment to doing business in most African countries. This has become a national

malaise and the greatest monster that is facing Africa. Somalia, South Sudan and Equatorial Guinea top the list of the most corrupt countries in Africa. There are selfish and corrupt politicians and government officials who seek personal gains and whose activities generally undermine the PPP implementation process.

11. **Dearth of Experts**

Dearth of experts poses a major challenge in most African states. PPP involves complex projects that only the experienced experts can handle in order to achieve value for money. For PPP to work successfully there is the need to build capacities in all the states especially in Nigeria so that each state and Federal Capital Territory can handle PPP arrangements independently. Therefore, there is need to train more experts who would handle PPP projects in the various states and local governments.

Other Professional and Administrative Contributions

Vice-Chancellor sir, aside my contributions in the areas of research and development, I have also carried out several administrative responsibilities and community services in the University of Ilorin. I have been appointed to serve as External Assessor for the promotion of a colleague to the Professorial Cadre. I have served in different committees as a representative of the Faculty of Law. I was the Faculty of Law representative on Committee on Exam, Scholarship and Prizes; member, Committee on Community Based Research Project, Faculty of Law; Faculty of Law Representative on General Studies Division amongst others. I have had the opportunity to serve as Level Adviser and later Head of the Department of Business Law. I also served as a member of the University of Ilorin team to win the hosting right of a World Bank funded Centre of excellence in Sustainable Procurement, Environmental and Social Standards with a letter of commendation issued by the then Vice-Chancellor in 2019. As part of service to my noble profession, I served as Treasurer and later Financial Secretary to the Nigerian Bar Association, Ilorin Branch among others roles.

Conclusion

Mr. Vice-Chancellor, there is no doubt that PPP can play a very significant role in the development of a nation's infrastructure. There is also no doubt that PPP enhances efficiency in public services and can assist a nation in harnessing private capital to build infrastructure that will promote and enhance economic growth. In fact, private financing of PPP projects is now a big business and it has substantially altered the landscape of public procurement.

There is an urgent need to however, have a coherent approach to all the methods of infrastructure development and provision of services through the establishment of a clear, consistent and comprehensive legislation in Africa. Developing a comprehensive legal framework for PPP in Africa and its regional blocks will create a synergistic interdependence of the nations within the continent and its regional blocks. This comprehensive legislation in Africa is necessary for sustainable PPP initiative and is capable of ridding the continent off the devils associated with PPP projects.

Recommendations

Vice-Chancellor sir, from the series of research I have conducted at both the national and international levels, our study revealed that most legislations on PPP in developing African countries are still evolving. As a result, I have decided to set out as part of our recommendations, core legislative models which can be adopted by African countries in the development of their PPP laws. It is important that African countries interested in sustainable PPP legal framework should:

1. **Identify and amend all potentially conflicting legislative provisions in the national laws:** All potentially conflicting national laws that could hinder the proper execution and implementation of PPP projects should be identified and amended. Due to the complex nature of PPP transactions, different laws may be applicable, such as laws regulating tax, insolvency, arbitration, and land acquisition among others. Therefore, potentially conflicting areas of these laws must be identified and amended accordingly.
2. **Identify the relevant agencies that have the powers to grant PPP contracts and the extent to which such powers can be exercised:** This is one of the most important issues that a PPP model law should address. Normally in every jurisdiction, it is the government ministries, departments and other agencies that are vested with the powers to grant concessions. The law should specifically identify which of the ministries, agencies, and departments is vested with such powers in respect of a specific project. This will help to reduce duplication of the same projects by different agencies or departments of the government.
3. **Identify the agencies responsible for the implementation of PPP projects at the Central/State/Local or Municipal levels:** A good model law should identify the agencies responsible for the monitoring and implementation of PPP projects. In South Africa for

example, which operates a Federal structure, the Public Finance Management Act 1999 and the Municipal Finance Management Act, 2003 were made to ensure consistency in financial accountability for both the national and local spheres. They spell out the functions and powers of each of the organs of government in relation to PPP projects.

4. **Allow contracting authorities to reasonably negotiate the terms of the PPP contract if necessary within the limits or guidelines specified by the law:** Negotiation is an important part of the procurement process. Both the institution and the private sector party go to the negotiation table with different motives. The institution will want to reduce the cost and maximize the value of the services to be provided through the partnership, while the private sector will be soliciting for a reduction in the risk and an increment in the margins.
5. **Establish a fair, equitable and transparent procedure for all PPP transactions:** This is one of the core principles of any model law. Under the South African procurement regime, Treasury Regulation 16.5.3(a) provides that all procurements including PPP procurement which must be carried out with a principle that is fair, equitable, transparent, competitive and cost effective. This provision is in line with the constitutional provision relating to transparency, fairness and accountability especially in S.217 of the South African Constitution.
6. **Provide detailed and enforceable remedies for any party who wishes to seek redress either in a court of law or through Alternative Dispute Resolution mechanisms:** Such a model law should provide for a comprehensive procedure for seeking redress through arbitration or a court of law. Due to the fact that PPP disputes are commercial disputes, there should be provisions for an internal mechanism for the settlement of disputes, and it is only when this fails that a party can go to arbitration or finally to a court of law.

7. **Contain provisions for financial incentives or government guarantees for the private sector wherever necessary:** Some projects may involve very huge amount of money for their execution. The private sector may sometimes have to source for funds locally and sometimes from international financiers. These financiers may require an undertaking, a guarantee or an assurance from the government of the country where the project is to be executed.
8. **Provide for the validity of security interests granted by the Contractor over its assets or cash-flow and to grant step-in rights to the lenders:** The model law may include a provision relating to an assurance by the government that the proper procedure will be followed in order to execute the project and also that for the purpose of the security's enforcement, the lenders should be assured of the right to step into the concession agreement. Thus, this mechanism guarantees the continuation and sustainability of the concession project and effectiveness of the investment in cases of default by a private partner.
9. **Incorporate Emerging National Legislations and Guidelines:** Elements of emerging legislation at the national level may also be incorporated into the model law. Some countries have developed their respective national legislations for PPP and this may be of assistance whenever any update to the model law is due.
10. **Include Issues Relating to Finance:** The model law should incorporate significant issues relating to finance. This is important due to increasing industrialisation and urbanisation which is compelling governments to resort to the private sector to seek for alternative means of infrastructure financing. The recent global financial crisis as well as COVID-19 Pandemic has in one way or the other affected the international project finance market with consequent results on the PPP sector.

11. **Incorporate Issues Relating to Sustainable Development:** A model law should also incorporate provisions that will ensure long-term sustainable development. Such incorporation will improve the environmental performance and impact of infrastructure projects throughout their life cycle.
12. **Introduce timeline for hearing and determination of PPP disputes:** There should be timeline for hearing and determination of commercial disputes arising from PPP contracts just like it is done in pre and post-election matters. This will help in reducing the delay in commercial disputes.
13. African governments should adopt a uniform legal and 'regulatory regime to address PPP transactions within the continent. Despite the high level of infrastructure development in Europe, the European Commission, having realised the benefits of having single legal and regulatory regimes for concession contracts, has since adopted a uniform legislative framework to govern PPP contracts in the community. This will help the EC in order to further boost growth and strengthens confidence in the investors.
14. Governments sometimes find it difficult to establish an effective framework that gives investors sufficient confidence. Investors will be most concerned if there is uncertainty in the law and lack of political independence of the regulatory agencies. In developing countries, which Africa is part of, successful implementation of private infrastructure investment requires a careful review of the entire business environments and, if necessary, reform of the policy framework underlying it.
15. PPP and other procurement processes must be transparent. It is trite that corrupt practices flourish in darkness and secrecy, so any attempt that is aimed at opening governments and their agencies to public

scrutiny is very likely to advance anti-corruption efforts. To buttress this point further, it is necessary to show the corruption equation thus; $\text{Corruption} = \text{Discretionary Powers} + \text{Monopoly} - \text{Transparency}$. If there is lack of transparency in the decision making process, then such government will have a very high potential of being corrupt.

16. Political commitment on the part of governments is very important. It is one thing to have sound regulations for PPP, and it is another thing for the governments to be committed to making PPP work. Politicians with political will are the main drivers of the PPP projects.

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owned no car, no house, and had no family of his own, his life was a testament to the transformative power of knowledge and mentorship. Before I left Malaysia in 2014, Prof. Gan shared with me his vision for life after retirement, a life of solitude and spiritual discipline in the mountains off Thailand and East Malaysia, away from the trappings of modern connectivity. True to his word and his Buddhist faith, since 2018, my colleagues and I, whom he supervised, have been unable to reach him despite numerous attempts. I am sure that wherever he is today, he will be happy that the young man he nurtured is today delivering his inaugural lecture.

Vice-Chancellor Sir, my journey to becoming a lecturer at this great university began in 2007 with a moment so unassuming yet profoundly transformative. It was in the quiet confines of Yusuf O. Ali & Co., here in Ilorin, when Prof. Wahab Olasupo Egbewole walked into to the office I was and conveyed a message that would alter the trajectory of my life. He said, “M. T., Baba Latifa (referring to Prof. I. O. Oloyede) asked me to inform you to apply for a lecturing position at the University.” Those words, spoken with deliberate intention, ignited within me a fire of confidence and a surge of assurance. In that moment, what might have seemed like a mere suggestion became a clarion call to embrace a new chapter in my professional journey. Today, as I stand before you in this hallowed moment of reflection and celebration, I am compelled to express my heartfelt gratitude to Emeritus Prof. Ishaq Olanrewaju Oloyede (CON), the Registrar of JAMB, and Prof. Wahab Olasupo Egbewole, SAN, for the pivotal roles they played in guiding me towards this remarkable feat. Your faith in my potential and your efforts in creating this opportunity were not just gestures of kindness; they were acts of profound belief in what I could become later in life.

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represent the Governor of Osun State. I am thankful for your tremendous support at all times.

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