Land Swap Programme and Infrastructure Development in the Federal Capital Territory: Problems and Prospects

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Abstract

This paper examined the impact of public-private partnership on the development of infrastructure in the Federal Capital Territory, Abuja, with specific inquiry into the Land Swap Programme. It examined the Land Swap conception, formulation, and implementation, and shows how this has engendered or otherwise the construction of hard and soft infrastructures in Abuja. It used both secondary and primary data collection methods and analysis as well as engaged the Classical Marxist theory to operationalize its subject-matter. At the end the research discovered that the Land Swap Programme is inherently good as other very good government policies we have had in Nigeria, especially at the federal level. The problem with the programme however is in its very shabby implementation borne out of the competing political self-interests that attended this stage of its instrumentation or operationalization. The study then puts forward some recommendations, among which are: that good governance will be the only antidote that can bridge the wide gap between the largely poor and impoverished satellite towns and the increasingly rich and well-planned city centers or metropolis and conurbations within the FCT; that Abuja city's development should be properly diffused in line with the Master Plan to guarantee a ubiquity of socio-economic cum political progress across the city, and avoid over-concentration and over-congestion of certain areas; and that in any future FCT-wide public policy, the indigenous populations should be properly and adequately carried along so as to garner the requisite buy-in of the public.

Keywords: Land Swap, Public Private Partnership, Infrastructure, Development, Abuja

Introduction

The dearth of basic infrastructure is a major source of concern to the overall development of Nigeria. This reality no doubt continues to negate the pre-eminent position occupied by infrastructure in the matrix of every nation's political economy. The fact that governments across the world take the provision of basic infrastructure as one of their core or primary responsibilities attests to this pre-eminence.

In this light, basic infrastructure which includes but not limited to roads, railway tracks, water supply, electricity, telecommunication apparatuses, airports, among others, serve as a catalyst to national development. To Jacob (2012:69), it is in a bid to foster this national development so as to secure a society in which there are clear-cut "qualitative and quantitative changes in the structure, composition and performance of the forces of production" that the Nigerian government has historically and periodically marshaled out several development plans. These plans, he argues, have been deliberately oriented towards laying a solid substructure upon which the nation's superstructure should rest. Unfortunately, their mismanagement and constant somersault have contributed to a parlous condition of arrested development in the country. When we consider the indubitable fact that infrastructure constitutes a central pillar in every nation's substructure, it becomes difficult to dispute the position of Jacob (2012).

It is in this light also that the African Development Bank (AfDB, 2013) sees infrastructure development as a key driver for progress across the African continent and a critical enabler for productivity and sustainable economic growth, significantly contributing to human development and poverty reduction.

In addition, infrastructure development is the basis for measuring the performance of democratic leaders and is the foundation of good democratic governance. However, the demand for infrastructural development is higher and resources used in provision of infrastructure are limited (Oyedele, 2012). It is the enterprise or the products and services necessary for an economy to function. By

this position, it implies that for any society to function well there has to be adequate infrastructure (Sullivan and Sheffrin, 2003).

In line with the foregoing, Fulmer (2009) while asserting that infrastructure is the technical structure that supports a society captures it as "the physical components of interrelated systems providing commodities and services essential to enable, sustain or enhance societal living conditions".

This implies that the state of infrastructure development of any society has a direct correlation with the quality of life. In the view of this researcher, this accounts for the reason why every responsible government tries to bridge the infrastructural gap amidst scarce resources. Therefore, any conscious leadership will always strive to meet up with the obligation of providing the needed infrastructure.

The paradox is that despite all the revenue generated and earned by various governments in Nigeria there still exists a yawning gap in the infrastructural development of Nigeria and this to a great extent accounts for the drawback in the national development of the country.

The necessity to bridge the yawning gap so as to elicit national development especially in the face of the ever-dwindling revenue to the Nigerian State, made the Obasanjo administration in 2005 to embrace the Public Private Partnership (PPP) as an alternative development strategy for the provision of needed infrastructure. This adoption is predicated on the observed fact that the provision of infrastructure to the 924,000 square kilometers of Nigeria and for a population of approximately 190 million people will require huge amount of capital investment.

Suffice it to note that before Nigeria's government adopted the PPP modality in boosting its infrastructure architecture, it had been successfully used in several other countries. Among these countries are United States of America (USA), United Kingdom (UK), China, Singapore, Egypt, France, Japan, Malaysia to mention a few.

In line with the principle of PPP, the Federal Capital Territory Administration (FCTA) in 2014 started the Land Swap Programme to enable her bridge the infrastructural deficit of the FCT. This became expedient due to the drastic reduction in the budgetary provision for infrastructural development in the territory.

It is against this backdrop that this paper seeks to enquire into the programme and politics of infrastructure development through PPP modality with emphasis on the FCT Land Swap Programme.

Meaning, Origin and Development of Public Private Partnership

There is no universally accepted definition of Public Private Partnership (PPP). As implied in Nwangwu (2016), the reason for the variation in the definition of PPP can be traced to the political and economic consequences of the concept, which makes its meaning and consequently its desirability susceptible to different interpretations by diverse parties. This was equally corroborated by Grimsey and Lewis (2005) that the exact definition of PPP varies depending on the situation or the country where the partnership takes place. Concept of PPP may vary from short term management contract to joint ventures between public and private sectors.

Therefore, conceptualizing PPP will be better done by taking an exploration of the definitions, interpretations given by some reputable institutions, organisations, governments and scholars.

A careful look at the definitions being explored in this work indicates that they are aligned from the prism of the nature, extent, and desired objective of their involvement in the PPP process.

The European Union (2003) defines Public Private Partnership as "a partnership between the public sector and the private sector for the purpose of delivering a project or a service traditionally provided by the public sector". From this definition, it is understood that there are traditional services that are expected from the public sector and when such services are delivered by the private sector through a partnership with the public sector, a PPP is accepted to have been put

in place. Grimsy and Lewis (2005), Shaoul, (2012), stated the views that in a PPP, the private partner is responsible for the needed services and bears the risks associated with providing them. However, the public sector still maintains the ultimate responsibility.

Furthermore, Shaoul (2012) opines that PPP is one of the tools used in new public sector management which is an ideology that aims to downsize the public sector and introduce private sector practices into the public services. This very view was also accepted by Alonso (2015). New Public Sector Management is based on a strong believe that market-based transactions deliver the most rational and efficient solutions (Shaoul, 2012). This belief also determines the usage of PPP.

PPP can be seen as a way to fill the gap between traditionally procured public sector projects and full privatization. It is a high bird which blurs boundaries and combines resources from public and private sector (Shaoul 2012).

Grimsey and Lewis (2002), present three factors that define partnership in the context of PPP. First is time span of the contract has to be long.

Partnership cannot be formed with a single purchase. There has to be constant interaction between the parties and they to believe that the joint actions continue in the future. Secondly, partnership should be based on mutual trust between the parties and finally both parties should have something to lose if the partnership does not succeed.

This is underscored by the fact that "PPP is at base a risk sharing relationship (Grimsey and Lewis, 2002).

The Canadian council for Public Private Partnership defines PPP as "a cooperative venture between the public and private sectors built on the expense of each partner that best meets clearly defined public needs through the appropriate risks and rewards" (Nwangwu, 2016). This definition by the Canadian council has too main components which are cooperative and allocation of risks and reward. In this situation, both the public and private sector partners cooperatively and the resultant risks and reward are shared appropriately. Furthermore, it is

underscored that in a partnership the relationship between the partners can be essentially horizontal or vertical. However, a true partnership consists of essentially horizontal relationship in which case decision making is consensual and all the parties are involved in the action, instead of vertical relationship, where one party is superior to others and able to make decisions unilaterally.

According to Love (2015), Partnership with the private sector offers an alternative to the traditional infrastructure procurement methods to the public sector. Public Private Partnership enables initiation of projects that could not be funded from governmental budgets (Broadbent and Laughlin 2003). This therefore makes PPP standout as an alternative development strategy.

Public Private Partnerships can be applied practically to any large infrastructure project and have already been used for example in the construction of schools, hospital, roads, power distribution, IT services and waste management (Zimmerman and Eber 2014,
Lossa and Martimort, 2015).

According to Investopedia, PPP involve "collaboration between a government agency and a private sector company that can be used to finance, build and operate projects, such as public transportation, networks parks and convention centres". This definition emphasizes more on purpose project execution. collaboration in project execution that is to say PPP entails a public and private entity for the purpose project execution.

To end this exploration of definitions targeted at conceptualizing PPP, the position of the World Bank on the definition of PPP as captured in Nwangwu 2016 is "an agreement between a government and a private firm under which the private firm delivers an asset, a service or both in return for payment. This payment is contingent to some extent on the long-term quality or other characteristics of output delivered".

From the foregoing, one can come to terms with the variety of definitions, an interpretation and understanding of the concept of PPP. Despite the differences in

the various definitions and illustrations, there are some basic strings that tie these definitions together and they include: -

i) PPPs are based on long term partnership between public sector entities and private sector.
ii) Under a PPP the different components of infrastructure project are bundled together. The public sector specifies certain variables and determines the output it desires from the private sector, while the private sector is given a broad discretion to determine the optimal method for delivering the output. This could be an integration of design, construction, finance and operation maintenance into a single contract. It is widely believed that this enables the attainment of value for money in project.
Iii) Under PPPs, risk and rewards are allocated in an efficient and optimal manner that ensures that they are allocated to the party most capable to manage them.
iv) PPPs are regulated by long term contracts that control the relationship between the parties, the quality and standard of services to be provided by the private sector and how the private sector will be remunerated for the services. In most cases it will also determine what will happen to the asset at the end of the contractual period. Typically, there is option for the transfer of the assets back to the public sector at the end of the contract period.
Furthermore, the term Public Private Partnership appears to have originated initially in the United States, initially relating to joint public and private sector funding for educational programmes and then in the
1950s to refer to similar funding for utilities but came into wider use in the 1960s to refer to public private joint ventures for urban renewal (Yescombe, 2007).

However, it is not actually clear as per the exact date the concept of public private partnership came into existence. But historically, the public and private sectors have always collaborated in so many ways. Common Wealth Secretariat (2010), is of the opinion that over the past two decades, delivery of infrastructure services through the private sector, often referred to as PPP, has become an established means of establishing essential services such as power, transport and water supply, which were previously seen as the exclusive responsibility of government. The origin of PPP differs from country to country.

According to Mitchel - Weaver and Manning, (1999), the early phase of PPP occurred mainly in the UK and the USA and as such these countries were regarded as the initiator of PPP. The Thatcher and Regan governments adopted PPP as the main strategy for economic and Urban development. This policy as stated by squires (1991) was consistent with their neo-liberal development. capitalist stance of the supremacy of the private sector and market forces in nurturing development.

The developing countries subsequently adopted the ideological preferences of PPP (Thomas, 2006). The developing countries in their quest to accelerate public sector reforms adopted PPP as devised by the developed countries of Europe and America (Schick 1998).

PPPs became an attractive policy alternative for developing countries which often faced Macro- economic problems, such as lack of infrastructure burdens on government budget and excessive government debt (Jamali, 2004; Nataray, 2007).

However, it is most distinguishable that the reasons for the adoption of PPP in the developed countries differ to some extent in the reasons for the developing countries. Orthodox analysts regard the adoption of PPP policy in developed countries as a tool for further development of public services which is related to micro-policy objectives such as public satisfaction (Hodge, 2004). While for the developing countries, the orthodox view in adopting PPPs is that they are a way to reduce poverty, enhance employment and maintain a sustainable level of economic growth which are macro targets (Bhatia and Gupta, 2006 UNESCAP, 2004). Therefore, the aims of PPP differ between developing and developed countries.

It should be noted that the actual debut of PPP in the United Kingdom dates back to 1992 when the Private Finance Initiative (PFI) was established and through PFI, the private sector was included into policy making and implementation in the UK. With the establishment of PFI, the private sector became a main actor in designing, building, operating and owning public sector facilities. From the foregoing discussion, there is no specific date for evolution of PPP but it is notable that the

pioneers in the PPP concept are USA and UK. However, Nigeria adopted it with the ICRC act in 2005.

Conceptualizing Infrastructure Development

The concept of infrastructure development has been subjected to various definitions. Some of these definitions will be explored with a view to assisting in the research. Infrastructure is the fundamental facilities and systems serving the citizens of a city, town, country or other areas, including the process and facilities necessary for it to function.

Infrastructure could be public or private physical improvements such as roads, railways, bridges, water supply, electrical grids, telecommunication etc. Fulmer, 2009, defined infrastructure as the physical components of inter related systems providing commodities and services essential to enable, sustain or enhance societal living conditions.

Furthermore, infrastructure is the basic physical and organizational structures needed for the operation of a society like industries, buildings, roads, bridges, health services, governance and so on (Oyedele, 2012). It is the enterprise or the products, services and facilities necessary for an economy to function (Sulivan and Sheffrin, 2003). Infrastructure can be described generally as the set of interconnected structural elements that provide framework supporting an entire structure of development. It is the means of achieving an objective or set of objectives and also includes the developments/status. objectives. It is an important term for judging a country, region or state's and individual's development/status

The term typically refers to the technical structures that support a society, such as roads, water supply, sewers, electrical national grids, telecommunications, and so on, and can be defined as "the physical components of interrelated systems providing commodities and services essential to enable, sustain, or enhance societal living conditions" (Fulmer, 2009).

Viewed functionally, infrastructure facilitates the production of goods and services, and also the distribution of finished products to end-users (markets), as well as basic social services such as schools and hospitals; for example, roads

enable the transport of raw materials to a factory (American Heritage Dictionary, 2009). In military parlance, the term refers to the buildings and permanent installations necessary for the support, redeployment, and operation of military forces (Department of Defense Dictionary, 2005).

The word infrastructure has been used in English since at least 1927 according to Online Etymology Dictionary (2012), originally meaning "The installations that form the basis for any operation or system ". Infrastructure in developing countries connotes roads and transport infrastructures. The advent of mass telecommunication infrastructure in Nigeria in 2001 brought infrastructure to the front seat as the products and services necessary for the performance of an entity.

There are two types of infrastructure, "Hard and Soft" infrastructure. Infrastructures can also be categorized as social and economic infrastructures. Social infrastructures are structures like houses, pipe-borne water, schools, post office, roads, bridges etc. Economic infrastructures include internal facilities of a country that make business activities possible, such as factories, office buildings, communication, transportation, security, warehousing and distribution.

Achievements of state leaders are measured with the level and type of infrastructural development the leaders or those in position of authority engage in compared to the agitation of the people and the available resources (Adebayo, 1985).

To this end, infrastructure could be seen as the foundation upon which the structure of the economy is built. The African Development Bank (AFDB) succinctly posits that infrastructure development is a key driver for progress across the African continent and a critical enable for productivity and sustainable economic growth. It contributes significantly to human development, poverty reduction etc. Infrastructure development is defined as the construction and improvement of foundational services with the goal of sparking economic growth in quality of life. It can involve any type of infrastructures including transportation, energy, water etc.

From the forgoing, it can be deduced that infrastructure development has a direct correlation with economic development of any society. In fact, infrastructure development can be described as the heart beat or bedrock of any progressive economy and also a critical enable for productivity and sustainable economic growth.

The link between economic growth and infrastructure development has been well established but the government is often handicapped with finance to procure infrastructure development due to poor budgeting and planning, hence the need for more innovative ways of seeking funding.

The United Nations recognized the importance infrastructure towards the achievement of the Sustainable Development Goals (SDGs) and therefore brought infrastructure as SDG NO. 9. Investment in infrastructure has a ripple effect of the other SDGs.
Most advanced economics have invested extensively in infrastructure and this has greatly improved efficiency and competitiveness in such countries.
From the definitions of infrastructure development, it is understandable that there are different types of infrastructure as noted above but for the sake of this research, infrastructure shall be classified into two broad categories:

a) Soft infrastructure: These types of infrastructure make up institutions that maintain the economy such as Health Care System, Financial Institutions, Governmental Systems, Education Systems
etc.

b) Hard infrastructure: These are made up of the physical system such as roads, highways bridges, district infrastructure, water supply etc.
The focus of the concept of infrastructure development in this study shall be limited to hard infrastructure such as roads, district infrastructure, highways water supply etc.

Therefore, infrastructure development as far as this work is concerned shall be defined as the economy is built. provision of roads, water supply, bridges, railways, etc that form the foundation upon which the economy is built.

World Economic Forum (2012) defines three types of infrastructure. The economic and social infrastructure can be further categorized as hard infrastructure which refers to large physical networks necessary for functioning of a modern industrial nation. The social infrastructure refers to the assets that support provision of public services (World Economic Forum 2012) which include social housing, health care facilities, educational institutions etc.

Theoretical Framework

For a study of this nature there is no doubt that several theories could be used to interrogate or operationalize its subject-matter. Some of these theories are the modernization theory, classical Marxist theory, development of underdevelopment theory, basic needs theory, sustainable development theory, social contract theory and the elitist theory. This study shall however settle for the Marxist theory while making reference to the elite and the social contract theories.

As stated above, we consider most suitable the Marxist or what is called the Classical Marxist theory as developed by Karl Marx (1818-1883) and Frederick Engels (1820-1895) in the Nineteenth century. The Marxist theory which has as its central elements historical materialism and dialectical materialism seeks to appraise historical contradictions in societies from the materialist standpoint. This implies that this approach assumes that the quest to accumulate society. surplus value or excess material wealth is at the centre of the centre of all conflicting scenarios in society.

The inspiration for choosing this theory in our quest to explain the trends and contradictions that have arisen in the Land Swap Initiative of the Federal Capital Territory Administration (FCTA) could be traced to one of the major works of Karl Marx and Frederick Engels entitled the Manifesto of the Communist Party (that is, Manifest der Kommunistischen partei, in German) which was published in 1848. The central import of the book is an x-ray of the phenomena of irrefutable position

in this order: class, class struggles and the resolution of class antagonism. The book opens by raising an irrefutable position in this order.

The history of all hitherto society is the history of class struggles. Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstruction of society at large, or in the common ruin of the contending classes (Marx, 1848:1).

The Marxist theory is fundamental to the present study because it is a theory that attempts to show that all power relations and resources - acquisition, control and regeneration – are determined, stage-managed and manipulated to favor the class of the oppressor-bourgeoisie over and against the class of the oppressed-proletariat.

The bourgeois class stands in the position to dominate because of their close contact or possession of the means of production which the hoi polio, plebeians or proletarians do not have access to. By their possession of the means of production they are able to determine who gets what, when and how and condition the authoritative allocation of values for society.

To this end, the accumulation of surplus value is without end as the capitalists or bourgeoisie continue in the reproduction and revolutionization of capital by changing techniques but never intention.

This is because in all climes the capitalists' activities or engagements usually cover mainly areas of quick wealth, major returns or turnovers, and where profits would always surpass investments. This no doubt resonates the position which sees the bourgeoisie as those who control the apparatuses of state for their own self-sufficing, and always to the detriment of the majority of the people who do not possess the means of production.

The bourgeoisie, no matter the pretext of charity or philanthropy, can never allow the common citizens to climb to the height of their affluence and influence, rather

they would continue the capitalization of surplus value through putting in place schemes and initiatives like the Land Swap programme to swindle, defraud and disempower the common man, in perpetuity.

And so, the Land Swap initiative which was built on the ideals of public-private partnership model, and which should reflect the tenets of social contract between the government and the governed, ends up being a social contract between the competing interests of the bourgeois class, to the disadvantage of the hoi polio.

Application of the Classical Marxist Theory to the Subject-Matter of the Research Discourse

The Marxist theory is germane to the current study especially when we consider the fact that the Land Swap Initiative smacks of an initiative that is highly bourgeois. For instance, under the Land Swap Initiative, large hectares of land belonging to 22 (Twenty-Two) predominantly poor indigenous villages and communities in the Federal Capital Territory (FCT) have been compulsorily taken away, partitioned and parceled out to 13 (Thirteen) private property developers despite heightened due-process concerns regarding the handling of important issues around land, resettlement, compensation and livelihoods in the community.

The Land Swap Initiative (LSI) simply means that developers will be awarded a percentage of large hectares of land for the provision of engineering infrastructure. More specifically, the essence of the LSI is to give an investor a particular percentage of land in a district in exchange for the provision of infrastructure in the earmarked districts comprising Kabusa, Waru, Zhindna, Pigbal, Pigball, Takusharal, Burum, Takalafiyal, TakalafiyaII, Chafuyi, Shape, Yimitu, Burum, Gbagyi, Dakibiu, Zokoyakwo, Sheretti, Ketti, Anaknayita, Dnako, Lokogoma, Wumba, and Wasa within the Ketti and Waru community in Abuja Municipal Area Council.

The rationale advanced for the initiative is that Abuja is highly congested, exploding with population activities. If nothing is done, the Abuja Master Plan will be incurably distorted in such a way that in ten years' time, many people will no longer recognize the once beautiful city. It contended that the staggering influx of people from rural areas and other parts of the country into the 8,000 km-sized

city saw the existing infrastructure and housing amenities over-stretched far beyond stipulated limits.

In all, the LSI is therefore presented as an incentivized solution to the persisting urban challenges, with the primary objective of fast-tracking housing and infrastructural developments in some identified Greenfield Districts. In exchange for massive land grants, the land swap model outsources the provision of infrastructure to private developers under a Special Contract between the public and private sector. Among other things, the developer furnishes the FCTA with a bill of engineering design for the contracted district, detailing the agreed kilometers of storm water drains, foul water drains, water distribution lines, electrical power distribution lines, street lighting lines, telecommunications ducts, and mini-sewage treatment plants. After developing the districts into fully-serviced estates, the private developer-investors can then sell the completed housing units to the public at a profit.

Even though development, including infrastructural development, often comes at a cost, must it always be the masses, the haves 'not, or the hoi polio that will continue to bear the brunt, even in a democracy, to the advantage of a few self-interested partners?

Herein lies the applicability of the Marxist theory; it shows clearly how the Land Swap Initiative is nothing but a deal between and among the bourgeoisie to swindle, or at any rate, deepen the disadvantages of the downtrodden.

It may be argued that the PPP has neo-liberal current, however the import of the applicability of the Marxist perspective in this study is to bring out in clear relief the class character of the Land Swap initiative. This position became palpable in chapters four and five.

The Abuja Land Swap Programme

The land swap programme is a type of public private partnership arrangement introduced by the Federal capital territory Administration (FCTA), under Senator Bala Mohammed as Minister, for the purpose of fast tracking the much-needed infrastructural development in Abuja.

The basic concept of the model is essentially to grant particular percentage of land to an investor of real property development. In exchange for the grant of land, the private investor will provide a specified infrastructure and also pay the needed resettlement costs that may be involved.

The objectives of the land swap initiative are;

I. To provide infrastructure in designated districts.
II. To solve the resettlement and compensation challenges in the districts.
III. To ensure real estate development and reduce housing deficits in the FCT.

The policy took into consideration the following factors in building up the framework of the model.

I. The Abuja Master plan which must be adhered to.

11.Improper premium fee utilization
iii. Need to lighten the burden of lingering resettlement issues
Depart
iv. Improper use of land by the allottees resulting in land freezing and land speculation.
v. Non adherence to the technical specification by investors.
vi. Bureaucracy, original inhabitants and other stake holder buy in
vii. Delay in project execution.

The policy framework of Abuja land Swap is contained in government. Notice No. 236 Gazette No 91, Volume 101 of 11th April 2014. This policy framework contains three man parts namely, basic concept, legal framework and basic conditions for participation.

a. Basic Concept
This gives an overview of the land swap initiative as follows;
i. The FCT Administration is to grant an agreed percentage of land (not less than 60%) in a green field district to a developer for real property development under a special contract envisaged by the land use Act.

ii. In exchange for the grant, the developer is to provide primary infrastructure in the agreed district without any financial, technical or demand risk on the part of the FCTA.

iii. The infrastructure which the developer is to provide is as follows;
a) The detailed district design and the Bill of Engineering Measurement and Evaluation (BEME). b) Agreed kilometers of roads of varying specified sizes within the districts
c) Agreed kilometers of storm water drains
d) Agreed kilometers of foul water drains
e) Agreed kilometers of water distribution lines
f) Agreed kilometers of street lighting Lines
g) Agreed kilometers of electric power distribution
h) Agreed kilometers of telecommunication ducts
i) Agreed number of mini sewage treatment plants.

b. Legal framework

Proper legal framework is of great importance in any PPP arrangement. The projected minimum investment by each of the participants in the land swap was put at 20B and as such there was a great need for a good legal framework. A good legal framework would facilitate funding arrangement from well- established financial institutions and will serve for risk mitigation, investment protection, loan repayment and adequate return on investment (ROI).

The legal justifications provided in the framework are as follows:

1. The Honorable Minister FCT, has powers and discretion under section 5 of the Land use Act to make any grant of land within the federal capital territory.
2. The Honorable Minister is at liberty under section 8 of the Land use Act to make any grant of land subject to a special contract.
3. The Honorable Minister has power to revoke such grant in the event that there is a breach of the special contract.

c. Basic Conditions

To ensure effective and successful execution of the projects, the policy provided minimum conditions for participation and these are.

A. The developer is to make available the sum of 350M as commitment fee on presentation of its business plan. The commitment fee is to fund the following;
i. Survey plan
ii. Land use plan
iii. Engineering design
iv. Preparation of agreement and other ancillary costs.
B. The developer is to procure the detailed design and provide infrastructure in the district within a maximum period of 48 months.
C. The detailed design of the district shall be based on the guidelines issued by the department of urban and regional planning FCDA.
D. The execution of the works shall be in strict compliance with FCDA specifications and standard for district infrastructure works. The developer shall not commence real property development or sale of any land in the district until it achieves at least 35% of infrastructure works.
E. The right of occupancy shall be warehoused in a bank mutually agreed by the parties and release of land titles to the developer shall be made as follows:
i.15% of the Rights of Occupancy shall be released on the basis of interim measured certificates, the minimum value of which shall not be less than 20% of the infrastructure works.
ii.5% to be retained till after the retention period of 12months.
F. The funding structure of the project must include an acceptable ratio as follows.
1.Debt -50%
ii.Equity - 15%
iii. Off plan sales- 35%
G. The structure of the total project cost shall consist of the following costs.
i. Construction cost
ii. Financing cost
iii. Professional fees
iv. Resident supervision cost
v. Resettlement and compensation
vi. Return on investment

H. FCTA is to retain a maximum 40% of buildable plots in the districts.
I. The developer is to provide air acceptable performance bond from a reputable bank or insurance company.
J. The FCDA is to appoint a consultant to ensure that the execution of the works is done in accordance with the FCDA specifications. The consultancy fee is to be factored in the total project cost.

Rationale for Land Swap

The Abuja Land swap programme has been described by many as a child of necessity. It came about as a result of the following factors.

i. Infrastructure Deficit

a. The FCT was envisaged to have 100% infrastructure by 2005 but as at 2013 the developed infrastructure was not more than 30%.
b. Out of the 71 districts plan for the FCC, only 11 were developed as at 2013. In fact, only 6 can be said to be fully developed. This therefore brought a lot of dislocations in the implementation of Abuja Master plan.
c. Adjoining districts to the developed areas of the city like Mabusi, Kado, Durumi and Dafe Districts have remained without infrastructure contrary to the stipulation of the master plan.
d. The infrastructure deficit created a lot of social and economic ills which could lead to the derailment of the development of Abuja.
e. Some mass housing districts despite substantial development are without infrastructure (Galadimawa, Wumbaetc), the linking infrastructure for the mass housing districts are to be provided by the FCDA but these cannot take off due to paucity of funds.
f. The obligation of the developers of mass housing districts is to provide secondary infrastructure. However, the secondary infrastructures provided by the developers in the estates are often substandard.

ii. Funding Challenges

As at 2013 the report of a committee set up by the Minister of FCT, revealed that FCT requires investment in new infrastructure to a minimum of 480B per annum for the next 5 years to meet up with its expectations of vision 2020- it shall also require at least 240B every year for the maintenance of existing infrastructure. But

the FCT only gets about 10% of the required fund in its yearly allocation over the last 3 years preceding the report.

iii. **Outstanding Liabilities:** According to the Ministerial committee report, as at 2013, the FCT had an outstanding infrastructure liability of over 470B. In fact, to worsen the scenario, the Ministerial committee of the Federal Government established in 2010 to determine financial implications of abandoned projects concluded that with the best budgets, FCTA would not exit its infrastructure liabilities for the next 10 years.

iv Growing Population: The Abuja master plan projected the FCC to have a maximum population of 3.1m people when fully developed within a period of 25 years. But as at 2016, the projected population of the FCT was 5M people, occupying 30% of projected development.

Land Swap Policy and Land Use Act

The land swap policy is in tandem with the land use Act. The land use Act was promulgated on the 29th of March 1978 by the Murtala/Obasanjo regime and was adopted in the 1999 constitution of the federal republic of Nigeria.

The Land use Act, Chapter 202 of the Laws of the federation of Nigeria defines the Act as;

An Act to vest all land compromised in the territory of each state (except land vested in the Federal government or its agencies) solely in the Governor of the state, who would hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the state and to organizations for residential, agriculture, commercial and other purposes while similar powers will with respect to non-urban areas are conferred on Local Governments.

The land use Act effectively changed the land tenure system in Nigeria thereby removing the concept of land ownership to that of right of occupancy.

The maximum rights exercisable over land is a finite right of occupancy, which the Act described as "customary" in the case of rural lands and "statutory" in the case of urban lands.

With regard to Abuja, the entire land within the federal capital territory had been declared as urban land which means the area councils of the FCT which are of equal status with the Local governments in the states of the federation don't have rural lands to allocate.

Under the land use Act allocation is vested in the Governor and in the case of the FCT vested in the Honorable Minister of FCT. Under section 5 of the Act, the Minister of FCT has the power to grant land to any Nigerian. The size, object or subject of grant is not restricted under the Act.

Section 8 of the Act created a window to enable the Minister to exert maximum value in the exercise of his powers over land allocation thus: statutory right of occupancy granted under the provision of section 5(1)(a) may be granted subject to the terms of any contract which may be made by the governor and the holder.

Based on the powers conferred on the Minister of FCT as the trustee of all lands in the FCT by the Land use Act, the then Minister of FCT, Senator Bala A. Mohammed came up with the concept of Land Swap to assist in tackling the FCT infrastructure Developmental challenges.

The land swap policy framework is therefore in line with the Land use Act and has the following legal justification set out in the framework;

1. The Honorable Minister has powers and discretion under section 5 of the Land use Act to make any grant of land within the federal capital territory.
2. The Honorable Minister has powers under section 8 of the Land use Act to make any grant of land subject to a special contract; and
3. The Honorable Minister has the power to revoke such grant in the event that there is any breach of the special contract.

Operation of Land Swap Programme

The operation of Land Swap was carried in 5 stages namely, selection of districts, selection of investors, payment of commitment fees, allocation of districts to investors, selection of consultants and assessment of request for proposals submitted by the investors.

a. Selection of Districts

The land swap programme as initiated was to be implemented in Greenfield districts where no allocation of land has been made to any person.

Phase IV South was identified as the only phase in the original Abuja Master plan that is virgin and was therefore selected by the FCT Administration for the programme.
The phase IV (South) is divided into six sector centres with 12 districts in line with the neighborhood concept of the Abuja Master plan.

The FCT Administration commenced with two sectors as a take-off for the land swap programme namely sectors N and O. The sectors comprised of the following districts.

I. Sector N
1. Ketti North District
2. Ketti District
3. Ketti East District
4. Sheretti District

II. Sector O
1. SherettiCheche district
2. Burun West District
3. Burun district
4. WaruPozema district.

According to the Abuja Infrastructure Investment Company (AIIC), for strategic reason and based on risk analysis, all the districts were divided into two except Ketti North district which was dedicated for a comprehensive development by a Chinese company Messrs CRCC.

It was stated that the reason for dedicating the district to the Chinese company is because the company is a number one construction company in the world and the fact that the Honorable Minister of FCT then, Senator Bala Mohammed, as part of Federal Government delegation to China entered into a Memorandum of

Understanding (MOU) with the company to dedicate a minimum of 500 hecters of land to the company for comprehensive development.

Problems and Prospects of the Land Swap Programme

The land Swap programme as initiated by the FCTA has some inherent challenges. Some of these challenges could be discussed under political, socio-cultural, capacity issues, structural, and legal/procedural challenges.

i. Political Challenges

The programme initiated by the PDP led administration of President Goodluck Jonathan in 2014 was expected to drive infrastructural development of Abuja towards the realization of the dreams of the founding fathers of Abuja and also meet up with the expectations of vision 20:2020.

However, as was observed in the process of this research, the programme was targeted as a PDP dream instead of a national dream. This made the Administration to fast track all the activities surrounding land swap to be concluded before the 2015 general election. However, this was not possible.

By 2015 when APC took over from the PDP, the programme was confronted with getting the approval of the new administration of APC. The House of Representative committee on FCT faulted the land swap programme as they stated that it was a negation of the provisions of the original master plan and thus pushed for its reversal.

The House committee headed by Hon. Hembe claimed as follows:

i) Communities were neither incorporated nor considered in the land deal with the investors under the land swap policy.
ii) Nigerians generally were not consulted on the programme that could engulf 15 districts.
iii) That the initiative was an intention to perpetrate fraud and corruption the guardian of 6/12/2015. Based on the above position of the House of Representative, the programme was suspended while a Ministerial Committee was set up to

investigate the policy and this further led to other investigation by the Economic and Financial Crimes Commission (EFFC).

ii. Socio-cultural Issues

The Original Inhabitants Development Association of Abuja (OIDA) vehemently kicked against the programme and requested the APC led government to reverse the programme.

According to the Guardian of 7th April 2015, OIDA insisted that the policy was a conduit for the massive allocation of land to cronies of immediate past PDP. The programme according to OIDA was marred by corruption and lack of due process. The process according to OIDA was immersed in deep confusion due to corruption.

iii. Capacity /Structural Issues

The implementation of a multi-billion naira and multifaceted programme like the land swap requires high level of capacity. However, these needed capacities were not available in the FCTA. The implementing agency AIIC hadn't any staff with good knowledge in the programme and this to a great extent hampered progress as most activities were carried out with rule of the thumb and without precision. Within the FCTA, there was not in existence any structure like the ICRC that could execute the project. To this extent, most activities were shared between FCDA departments and FCTA Departments. This brought in a fluid arrangement whereby so many departments had to carry out certain roles in the implementation of the programme. These Department include Engineering, Urban and Regional Planning, Survey and Mapping, Resettlement, Land Administration, and Public Building. The arrangement became so clumsy that each of them exercised serious authority within their sphere of influence thereby making coordination extremely difficult for the AIIC which was too weak for the responsibility bestowed on it.

iv. Economic/Financial Challenges

Another major challenge was that of Economic/Financial. The capacity of the investors to execute the project was extremely in doubt. Most of the investors were to further look for financial investors who would partner in funding the projects.

From enquires, there were no due diligence conducted as almost all decision with regard to selection of investor was based on selfish political interest.

v. Legal/Procedure Challenges

The legal secretariat of the FCTA does not have lawyers who specialize in drafting PPP agreements. This was a very big challenge as the agreements may not have been drafted in the interest of the citizens.

Equally, one of the critical success factors of the any PPP arrangement has to do with a transparent process and procedure which must be standardized. This definitely was lacking and thus created room for perceived corruption in the programme.

Furthermore, the coordinating agency AIIC, does not have any law establishing it and even does not have an approved and robust structure that could implement such a programme.

*** Lack of Ppp Advisor:** The FCTA did not appoint PPP Advisors who could have brought in the needed professional competence to fill the obvious capacity and capability gap inherent in the FCTA Unit otherwise known as AllC. The programme however is not a complete disappointment as there is still much that can be done through the initiative if these policy, operational, technical challenges militating against it are resolved.

Conclusion and Recommendations

Internationally, the Land Swap Strategy has been applied in a number of countries. These countries include Sweden where a completely new town has been built together with several kilometres of rail infrastructure. A similar experience has been replicated in Egypt. The U. S. applied the Land Swap Initiative in the funding of infrastructure in the Old-World Trade Centre in New York. France also used the Land Swap process to augment budgetary shortfalls and, then, the system's capacity to increase revenue for infrastructure development in the 1900s, especially in Paris.

The then FCT Minister (Bala Mohammed) was able to realize that the potential for upgrading Abuja to a smart city was locked up in the non-involvement of the private sector as a stakeholder in the development of the city. The issues of the Abuja Federal Capital City project being conceived and single-handedly executed by Federal Government with the non-participation by other relevant stakeholders (the adoption of non-participatory planning and management approach) has been a major problem to the overall progress of the capital city.

The relevant stakeholders and land contained within the Abuja City Master Plan area constitute the invaluable but unlocked potentials for the development of the smart city. To unlock this potential, the Minister of the FCT embarked on collaboration with the private sector to facilitate the achievement of his dream. The new strategy of unlocking Abuja's potential is tagged 'The Land Swap Initiative'. It simply means 'Land for Development' or 'Land for Infrastructure Development'.

This became the case as the Minister conceived that sustainable development of infrastructure in Abuja city is not an easy task but it is possible. The challenges of sustainable development of infrastructure in Abuja city are many. The demand for infrastructure surpasses the supply and finance that will stimulate rapid provision is not there. Due to wide gap between infrastructure provision and needs, the leadership class is in crisis. The political situation is not encouraging to foreign investors. Governments do not set the priority right in infrastructure development. Projects are supposed to meet objectives, but in most cases, projects embarked upon are white elephant projects. It is certain that if these challenges are adequately tackled Abuja can resonate the same success that major world capital cities in the world now resonate as a result of the successful utilization of the Land Swap Initiative.

The research then concluded that the initiative should not be totally written off yet, as it is not a complete failure because there is still room to rejig, re-evaluate and reinvigorate it to attain its lofty heights as set-objectives - especially with the right political will, capacity building and willingness to get things done.

Recommendations

Against the above backdrop the following policy recommendations are put forward:

i. That good governance will be the only antidote to address the malaise of shabby selection of the private investors that would collaborate with the relevant authorities in the design and implementation of the Land Swap programme.

ii. That the AIIC and other relevant FCT agencies should be restructured, equipped and staffed with competent personnel to enforce regulation and supervision of any PPP projects in the FCT the targeted benefits.

iii. That the government should embark on result-oriented stakeholder analysis and engagement so as to accommodate the interest and expectations of the local population and other relevant stakeholders in the implementation of the Land Swap programme and other similar government policies and projects.

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