

ESSENTIAL POLICIES, REGULATIONS AND LEGISLATION FOR IMPROVED EFFICIENCY OF THE CONSTRUCTION INDUSTRY

The Nigerian construction industry has come a long way from what it used to be in the early days of independence and during the 1970s. In real terms, we have moved from over dependence on foreign expertise and expatriates to a season where even though there is still some dominance by foreign construction companies, Nigerian construction companies are making major strides in the industry.

The construction industry remains one of the biggest employers of labour in Nigeria and is the most effective channel available to the government to reflate the economy. In addition, where there is the need to push liquid cash into the system in order to stimulate spending and by extension stimulate the economy, the construction industry remains the first port of call for the government.

I wish to state categorically and without any fear of contradiction, that the hope for the Nigerian industrial revolution lies in part in this industry. Today, we celebrate the United States of America as the most advanced country on the planet, but little do we know that in the 18th Century, the US was a massive rural nation. The 19th Century marked a turning point for the US with an explosion in its industrial outlook and the advancement in steel. A period that became known as the American Industrial Age, where the construction industry became a main stay of the US economy, through the construction of rail roads, massive buildings, roads, bridges and huge monuments. This marked a turning point for the US and the construction industry has continued to push the US economy further. Countries like China and Japan understand the direct impact the construction industry has on the economy of a nation, hence, their approach towards promoting massive constructions in order to keep jobs and sustain economic growth.

While, it is interesting to recount the beautiful experiences of other countries, one lesson, we must take away is the fact that they achieved progress because of policies, regulations and legislations that govern the industry. Legislations and regulations covering standards, health and safety, environment, insurance, etc.

Unfortunately, even though we have made progress in our unique experience in the industry, we must admit that our records in terms of standards, law and order, health, safety and environment has been very poor. As a nation, we have lost count of the number of collapsed building and failed constructions that we have had in the recent past. Many a times, even where an avoidable accident is witnessed, there is no resolute pursuit of penal enforcement of extant regulations and laws. 1

Unauthorized Practice

One of the major bane of the Nigerian construction industry is illegal practice by unlicensed individuals and firms. For example, the Quantity Surveyors (Registration, Etc) Act, 1986, Cap. Q1, LFN, 2004, Architects (Registration, Etc) Act, 1969, Cap A19 LFN, 2004, Builders (Registration, Etc.) Act, 1989, Cap B13, LFN, 2004 and Engineers (Registration, Etc.) Act, 1970, Cap E11, LFN, 2004 all makes it a criminal offence to practice in these professions without the required authorization.

Despite these laws, there has been a total failure to enforce these provisions of the law. While most of the construction failures has been attributed to quackery and the activities of such unlicensed individual, the culprits have continued to walk away as freemen despite their gross violation of the relevant laws.

If we must improve the quality of our output, we must weed out all the illegal operators in the sector. We must make the system quack-proof and shielded from such menace. We can deploy technology in fighting this menace and root it out completely.

Absence of Strong Disciplinary Mechanisms

Every profession has its unique system for self-regulation and self-cleansing. This is visible in the legal and medical professions, where defaulting members are subjected to disciplinary actions and could ultimately suffer loss of their practice licence. This is a highly functional system strengthens the boundaries of a profession by introducing the stick for erring members.

While, the construction industry may have some semblance of self-regulation or self-discipline, it is not common place to hear of disciplinary action taken against members of the industry. In fact, when a client threaten an erring construction industry professional with report to the professional body, the attitude is always, 'please go ahead, nothing will happen, please do your worse'.

If we must have an enviable and effective construction industry in Nigeria, we must put such and where they exists, we must strengthen them adequately to bark and to bite.

Guarantees and Warranties

There is also one more feather we must adopt in other to strengthen our construction system and industry, it is to introduce a form of guarantees and warranties, which will mean that professionals in the industry will be liable not just criminally but also in a monetary sense. They should suffer some form of pecuniary loss based on a system of compensation for any loss arising from their negligence, recklessness and poor judgment,

The system will need to evolve a form of guarantees and warranties that will subsist for a period of time after a project is commenced. On the flip side, this will compel practitioners to take out insurance cover and will raise the sense of responsibility.

Enforcement of Health, Safety and Environment

All over the world, there has been a shift in the last three decades to placement of huge emphasis in Health, Safety and Environment (HSE). This has given birth to modified regulations and updating of the laws to fit into these new global realities. However, as an industry, we have not paid sufficient attention to HSE.

If we must make meaningful progress and command the respect of the world, we must step up our game in this context.

Procurement Laws

The measure beneficiaries of contracts awarded by government in goods and works are players and practitioners in the Nigerian construction industry. This means that the position of the Procurement Laws must be friendly and favourable in order for them to make the needed progress.

In this vein, the National Assembly is amending the Public Procurement Act 2007. Key inclusions in the new law will be increase in the percentage of mobilization, increased membership in the Council, which will include representation for the Nigerian Institute of Quantity Surveyors (NIQS) and more emphasis on local content. Through its membership of the Council,

the NIQS is more likely to push policies that are favourable and balanced at the Council level, which is the highest regulatory body for public procurement in Nigeria. Unfortunately, the Council has not been constituted as required by the PPA 2007.

Of particular importance is the issue of local content. We must take note of the fact that the Local Content Act, which is actually known as the Nigerian Oil and Gas Content Development Act, applies only to the oil and gas industry. This means that the other laws that have a semblance of local content are just scanty and that there is no comprehensive legislation for the construction industry on local content development.

Local content development remains a vehicle for capacity building in any specialised field. The construction industry in Nigeria has since the 1940s been dominated by foreign entities and practitioners and that has not changed significantly. The biggest projects are still awarded partly or wholly to such entities.

We must change this paradigm, they say it is practice that makes perfect, hence, we must not continue to outsource our practice and hope to attain perfection by sheer force of a miracle. It is time for all stakeholders to push for a shift to local content development. But such a call must be a balance call, where after cleansing our house, standards, practice, output and performance as local practitioners, we can then make a stronger case and a moral one at that for deepening of local content.

Conclusion

Like *Martin Luther King Jnr*, I will also want to say, that I have a dream, where one day, our practitioners will construct and complete the tallest building in the world and will construct the best roads, bridges and edifices on the planet. I have a dream that one day, soon enough, our experience, will become better and we will become the envy of all.

Thank you all.