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EFFECTIVE REGULATION OF PPP PROJECTS: LESSONS FROM SUCCESS STORIES IN VARIOUS JURISDICTIONS

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EDITOR – IN – CHIEF’S DESK

Dear Reader,

The ICRC Bulletin Editorial Team is pleased to present the last quarter edition for the year 2022. The theme for this edition is “Effective Regulation of PPP Projects: Lessons from Success Stories in Various Jurisdictions”.

Our feature story was written by Mr. Tunde Ajia. Tunde is a project management consultant and strategy advisor who has managed the delivery of complex projects and major programmes across diverse industry sectors. He is currently a Doctoral Researcher at Cranfield School of Management and sits on the boards of the Project Management Institute (PMI) UK Chapter and Oxford Urbanists (OU), a global non-profit organisation on sustainable urbanism.



In the article, he discusses the key components of effective regulation of PPP projects including - legal and institutional frameworks; project selection and evaluation; risk management and contract management, and showed that if these are in place, it will ensure balance in regulation regardless of the jurisdictions they are applied.

Our knowledge management article is on “The Quest to Fill the Infrastructure Financing Gap for People and Planet” by Imad N. Fakhoury. Imad notes in the blog that there is an alignment emerging among the public, multilaterals, governments, and private sector about the important link between infrastructure and climate, making for a ripe environment for progress. He goes ahead to state that the key to bridging the gap is optimizing scarce public finance and spending in ways that generate more participation from the private sector.

Our health and wellness section is on ‘Mental health’. It notes that mental health is determined by a complex interplay of individual, social and structural stresses and vulnerabilities. It emphasises the fact that it is possible to promote, protect and restore mental health. The article stresses that exposure to unfavourable social, economic, geopolitical and environmental circumstances – including poverty, violence, inequality and environmental deprivation – also increases people’s risk of experiencing mental health conditions.

We do hope you enjoy reading this edition. Wishing you and your family a Merry Christmas and happy year 2023 ahead.

Manji Yarling

DG's STATEMENT



The year 2022 marked the 62nd Independence Anniversary of the Federal Republic of Nigeria and also 23 years since the return to democracy in 1999. At 62, the nation is making conscious effort to address its infrastructure needs so as to spur development, create employment, reduce poverty and grow the overall GDP.

This year has indeed been an interesting one for infrastructure development in Nigeria using private sector funds. A myriad of projects has gotten to various stages of their PPP process with great milestones being recorded.

Among some of these projects are PPP infrastructure initiatives that will drive development within its sector and cause a rippling effect not only around Nigeria but also to other West African nations and beyond.

For instance, the Federal Executive Council (FEC) within the review period approved for the establishment and management of a Maintenance, Repair and Overhaul (MRO) facility, in order to increase MRO activities within the sub-region. The MRO will provide air craft maintenance, repair and overhaul services to airlines operating in Nigeria, those that fly into Nigeria as well as others that operate in neighbouring countries.

Other projects were approved by FEC within the period, they include: a Satellite Internet Broadband Project to be directly overseen by the National Space Research and Development Agency (NARSDA). There is also the Planetarium and Museum Project under the same agency.

The Federal Radio Corporation of Nigeria (FRCN) obtained the executive nod for its PPP project of developing its land in Lagos state into a mix use property that will comprise residential houses, hotels, recreational facilities and office blocks.

In compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL), which Nigeria is signatory to, and following the regulatory guidance of ICRC for the PPP projects, FEC also approved an Offshore Waste Reception Facilities (OWRF) for Nigerian Maritime Administration and Safety Agency (NIMASA).

A quick glance into other activities, projects and milestones that characterized the previous quarters of 2022 showed that the Commission is blazing a trail in infrastructure development with each year getting better than the preceding one.

For instance, ICRC in January 2022 convened a meeting to re-energise the six inland container ports across the Nation and proffer solution to the challenges that have left them stalled since 2006.

The Commission's regulatory guidance enabled the NCC to secure the approval of FEC for the Onitsha River Port, the Revenue Assurance Solution (RAS) that will

generate over \$1.2 trillion from Annual Operating Levy (AOL). Other projects approved by FEC are: Onitsha River Port, Federal Coastal Fishing Terminal in Akwa Ibom and the Badagry Deep Sea Port just to mention a few.

In 2022, the Senate passed the bill seeking to repeal the ICRC Act and enact the Public Private Partnership Regulatory Commission Act. The Senate, following the nomination of President Muhammadu Buhari, also approved my appointment as substantive Director General of the ICRC in July.

In July 2022, the Commission hosted the Africa Public Private Partnership Network (AP3N), a network of PPP units and officials in Africa. At the meeting, the Commission disclosed its plans to gazette 53 pipeline projects worth \$22 billion. In attendance were the Secretary to the Government of the Federation, Mr Boss Mustapha; Minister of Works, Alhaji Sulaiman Adamu; Co-President of the AP3N, Beatrice Ikilai; Managing Director, Nigerian Ports Authority, Mohammed Koko and Managing Director Nigerian Inland Waterway Authority (NIWA), George Moghalu, among others.

We look forward to hitting the ground running in 2023 with many PPP projects awaiting FEC approval, others reaching completion while many more making significant progress at different stages of their PPP journey.

I wish to at this point, deeply appreciate the Federal Executive Council (FEC) for its relentless effort at giving priority to PPP Projects that have received the Full Business Case (FBC) Compliance Certificate of ICRC. This dauntless disposition by FEC greatly demonstrates the commitment of this administration towards bridging the infrastructure gap in Nigeria.

My profound gratitude goes to the staff of the Commission whose collective effort and hard work contributed to the successes that we are recording.

As I marked 100 days in office in November as substantive Director General of the Commission, I remain grateful to President Muhammadu Buhari for finding me worthy of the appointment even as I repledge my commitment, working with an adept team, to ensure stringent regulations and support that will continue to drive PPP developments Nigeria. I look forward to seeing PPP projects like the Nigerian Air, the Lekki Deep Sea Port and the Highway Development and Management Initiative (HDMI) becoming operational.

God bless the Federal Republic of Nigeria. God bless the ICRC.

J. A. M. Ohiani

Director General/CEO

By Tunde Ajia

EFFECTIVE REGULATION OF PPP PROJECTS: LESSONS FROM SUCCESS STORIES IN VARIOUS JURISDICTIONS



An Engineer on a rail site. Photo Source: World Bank

On the 13th of February 2023, the Federal Government of Nigeria launched a National Monitoring and Evaluation Policy for its Medium and Long-term National Development Plan (NDP) covering 2021 – 2025. The NDP was formulated to address several subsisting development challenges in the country including notable infrastructure deficits, low and fragile economic growth, insecurity, weak institutions, insufficient public service delivery, climate change and weak social indicators.

At the forum held at the Presidential Villa, Abuja, Nigeria's finance minister, Zainab Ahmed, said implementing the plan would require at least N350 Trillion (\$760 billion). However, only 9% of that money will come from the Federal Government. The rest, Ahmed revealed, would come from sub-national governments (6%) and the private sector (85%). Therefore, successful implementation would require a strong partnership between the private and public sectors playing their respective roles effectively. By allowing the private sector take center stage in the implementation of its National Development Plan, the Federal Government of Nigeria is not toying a strange path. In fact, governments of most developing nations have long realised the futility of massive infrastructure and economic undertakings on a lean purse. Take infrastructure in Africa, for instance, new estimates by the African Development Bank (AfDB) suggest that the continent needs \$170 billion annually for the next three decades; with a financing gap in the range of \$67.6 – \$107.5 billion. To put

this in context, the Programme for Infrastructure Development in Africa (PIDA) posited that the road access rate in Africa is only 34%, compared with 50% in other developing climes. Consequently, transportation costs are 100% higher on the continent. More so, only 30% of Africans can access electricity, compared to 70 - 90% in other developing countries. In a digitally driven era where most basic systems now operate online, the continent's internet penetration rate is merely 6%, compared to the 40% average in other developing nations.

It is easy to single out the lack of funding as the primary bottleneck to Africa's infrastructure development. However, a closer look at most government-run institutions over the last three decades reveals a yawning gap in competency and political to deliver critical infrastructure for Africa and Africans. What's more? The lack of adequate accountability structures has made it difficult to track the delivery of critical infrastructure. To fill this gap, forward-thinking governments across the world, have turned to the organised private sector famed for embodying the expertise and access to resources that many public institutions lack. Therefore, Public-Private Partnership (PPP) projects have become widely accepted by governments to finance and deliver public infrastructure and services. PPPs require the involvement of the private sector by investing capital and expertise in a project, while the public sector provides the necessary regulatory and institutional framework. However, without adequate regulatory know-how, the public sector risks stifling the private sector through outmoded supervisory practices or becoming too laid back to allow rogue private players to roam free. Additionally, PPPs are not silver bullets; while they bring significant benefits to communities, they also embody significant risks to public finances, the environment, and even social welfare. Hence, governments must ensure effective regulation so that PPP projects deliver value for money and public benefit.



Here I discuss the key components of effective regulation of PPP projects: considering legal and institutional frameworks, project selection and evaluation, risk management and contract management. I believe that these “four legs of the regulatory table,” as I like to call them, will ensure balance regardless of the jurisdictions where they are applied.

1. Legal and Institutional Frameworks

Effective PPP project regulation starts with a sturdy legislative and institutional structure. This includes clear and thorough laws and rules that control the PPP process, especially project selection, evaluation and administration. The legal framework should define PPPs clearly and define the duties and obligations of both the public and private sector stakeholders participating in the initiative. Likewise, PPP institutional structures must also be open and well-defined. This includes the creation of specialised PPP departments or organisations within government that oversee the PPP process and ensure that projects are chosen, assessed and handled in accordance with best practices.

Perhaps a contrast analogy of two projects would help with putting this in perspective:

Nigeria (Aviation): Perhaps the most notable poster child of the effects of weak legal and institutional framework in PPPs is the legal battle between the Federal Airports Authority of Nigeria (FAAN) and the Bi-Courtney Aviation Services Limited (BASL). For 23 years, both parties have bickered over contract duration, ownership of the General Airport Terminal (GAT), the exclusivity clause in the contract and BASL’s payment to FAAN, the Grantor. Over the years, the conflict has disrupted operations at MMA II, causing significant losses to BASL.

A court ruling dated 3rd March, 2009 held that the “Federal Government and its agents/agencies (including but not limited to the NCAA, NAMA, and FAAN) are bound by the provisions of the Concession Agreement executed on 24th April, 2003 with the Plaintiff in respect of the MMAII.” As of this writing, the parties are currently in court regarding the concession tenure and right over the operation of the GAT. Although many other factors led to the two-decade showdown, analysts agree that the absence of an infrastructure regulatory body at the time of the government’s agreement with BASL contributed to the misunderstandings. The Infrastructure Concession Regulatory Commission (ICRC) was established in 2008, five years after the initial contract.

USA (Rail): While on the flip side, The East Link Light Rail (ELLR) project in Seattle, Washington State, USA, remains a shining example of project success buoyed by a proper legal and institutional framework. Scheduled to open in 2024, the \$3.7 billion project was developed as a partnership between Sound Transit, a public

transit agency, and private companies including Jacobs Engineering Group, Kiewit Infrastructure West, and others. The goal was to construct a 22-kilometer light rail line to connect Seattle, Bellevue and Redmond, providing residents with a faster and more efficient public transit option. A range of federal and state laws and regulations also led to its success. Some of them include the Federal Transit Administration's New Starts program, which provides funding for transit projects that satisfies certain conditions and the Washington State Growth Management Act, which promotes efficient land use and transportation planning. More so, the partnership was governed by several legal agreements, including a memorandum of understanding that outlined the roles and responsibilities of the public and private partners and a design-build contract that established the scope of work and timelines for the project.

The existing institutional framework also played a critical role in the ELLR's success. The project was overseen by a joint Sound Transit and private sector project team, which provided expertise and guidance throughout the planning and construction process. And this team was supported by a range of other stakeholders, including local governments, community groups and transit riders.



East Link Light Rail (ELLR) in Seattle. Source: Wikipedia

Today in Nigeria, the ICRC develops and implements the Federal Government's PPP framework in Nigeria. Its personnel, many of whom are Certified Public-Private Partnership Professionals (CP3P), are trained to handle complex PPP undertakings.

More so, its training arm, the Nigeria Institute of Infrastructure and Public Private Partnership (NII3P) provides a variety of capacity building programmes for project divisions in several Ministries, Departments and Agencies, as well as other private practitioners. The ICRC has, time and again, had some members of its staff as resource persons at the Institute.

However, where competence and experience is not so lacking, it is safe to allow such agencies ample regulatory room to exercise their powers in ways that safeguard the interest of the Nigerian Government in any PPP arrangement. One way to do this is by passing into law the proposed Public Private Partnership Regulatory Commission Bill 2022. When passed into law, the bill would enable the Commission to "impose sanctions or appropriate penalties to ensure compliance with the provisions of the law, regulations or guidelines issued by the Commission".

The powers to impose sanctions also comes with an enhanced supervisory role to "regulate the participation of the public and private sectors in the financing of construction, development, designing, operation or maintenance of infrastructure, service or development projects of the federal government through public private partnership arrangements; and for related matters". In July 2022, the Nigerian Senate passed the Bill. It awaits concurrence by the House of Representatives.

2. Project Selection and Evaluation

In my opinion, this is the most important step in regulating PPPs. A thorough selection and evaluation process saves developing economies from so-called white elephant projects; projects whose cost of use far outweigh their socioeconomic and environmental benefits. A proper selection process involves identifying potential PPP projects that meet the public sector's infrastructure and service delivery needs and evaluating them against a set of predefined criteria. The process must be transparent and objective, with clear guidelines and criteria for evaluating potential projects. One key factor in project selection is to identify projects that are suitable for PPPs from those that are not. PPPs are most appropriate for projects that have clear revenue streams, long-term demand and a clear public benefit. Whereas, projects that are unsuitable for PPPs, such as those with uncertain revenue streams or significant social or environmental risks, should not be executed as PPPs.

Once potential PPP projects have been identified, they must be subjected to a thorough evaluation process. This involves assessing the project's financial, technical, social and environmental feasibility and comparing it to other procurement options. The evaluation process should be transparent, objective and based on sound analytical methods, such as cost-benefit analysis or risk analysis.

Perhaps a contrast analogy of two projects would help with putting this in perspective:

Sri Lanka (Telecommunications): A clear example is the Lotus Tower standing 309m on the Colombo skyline in Sri Lanka. Built to house 50 TV stations, 35 Radio stations and 20 telecom service providers, the \$113 million tower is unsuitable as a communications facility as waves cannot cover the island or bypass the Hanthana mountains, critics say. As of late 2022, the Lotus Tower Management Company said it would open its observation deck to the public to minimise losses. But it remains closed due to safety concerns.

Lotus Tower is one of several elephant projects from the Rajapaksa regime ousted in November 2022. Infamous for embarking on what experts call “misplaced projects,” the regime has been criticised for its convoluted procurement processes, which ignore transparent selection and evaluation criteria.

USA (Utilities): This was not the case in the San Francisco Public Utilities Commission (SFPUC) Biosolids Digester Facility project, in California, USA. It involved a partnership between the San Francisco Public Utilities Commission and private firm Synagro Technologies, Inc, to construct a facility for processing biosolids into usable fertilizer and renewable energy. Biosolids are leftovers from wastewater treatment.

The project owes its success largely to the rigorous selection and evaluation process involved to identify the partnership opportunity. Before kickoff, SFPUC conducted a comprehensive analysis of its biosolids management needs and determined that a public-private partnership was the best option for meeting those needs. To select a suitable project partner, the SFPUC then conducted a competitive procurement process. The procurement process included a detailed evaluation of potential partners based on technical expertise, financial capability and experience with similar projects. Synagro Technologies, Inc. was eventually selected as the partner based on its strong proposal and track record.

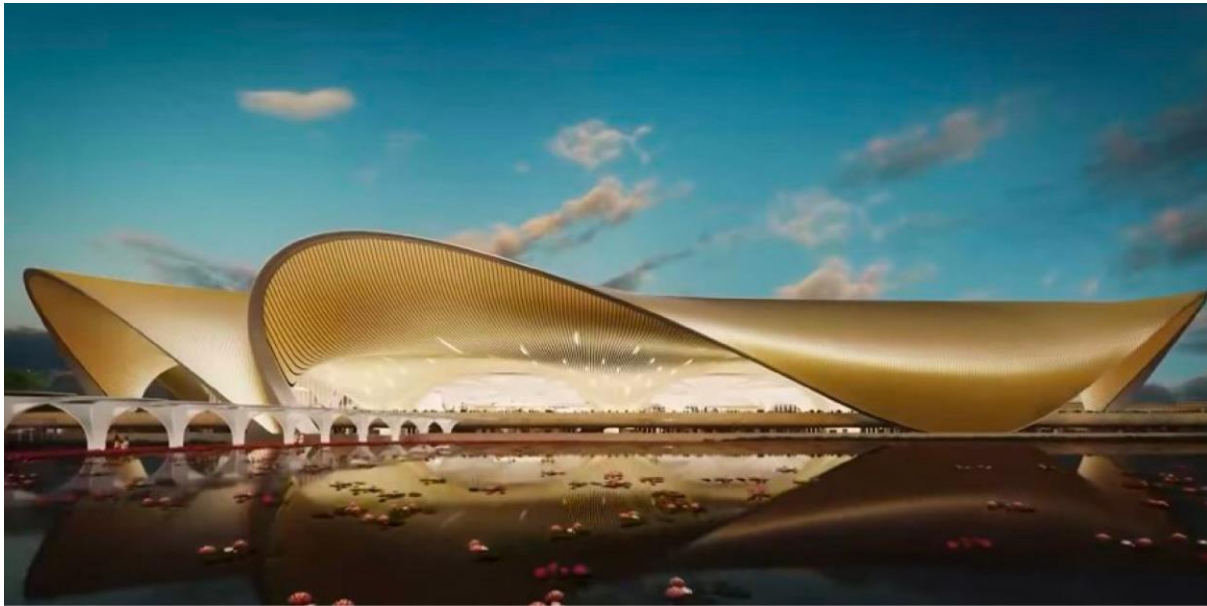
3. Risk Management

There is no PPP regulation without the management of risks. PPP projects involve significant risks, both for the public and private sector parties involved. They range from construction risks, such as delays and cost overruns, and operational risks, such as changes in demand or revenue. PPP projects can also have significant social and environmental risks, such as negative impacts on communities or the environment.

Effective risk management involves identifying, assessing and mitigating these risks. No doubt, this requires a thorough understanding of the risks involved in the project, and a clear allocation of risk between both sector parties involved.

Sadly, in some cases, the public sector tends to allocate the bulk of the risk to the implementing private sector partner. This diminishes trust and engenders a defensive approach that may ultimately undermine the project. Risk allocation should be based on a thorough analysis of the risks involved and should be transparent and equitable.

Perhaps a contrast analogy of two projects would help with putting this in perspective:



Navi Mumbai International Airport in India Source: <https://marathon.in/infrastructure/navi-mumbai-airport/>

India (Aviation): No one understands this better than the consultants who first worked on the \$2.2 billion Navi Mumbai International Airport in India. This was a joint venture between the Airports Authority of India (AAI) and a consortium led by GVK Power and Infrastructure Limited. The goal? To construct a new airport to serve one of India's busiest cities.

However, the project was ill-fated from the start. Buffeted by land acquisition disputes, environmental concerns and delays in obtaining vital clearances from regulatory bodies, the ensuing delays and cost overruns have seen the project's estimated cost rise from the original estimate of \$2.2 billion to over \$4.2 billion.

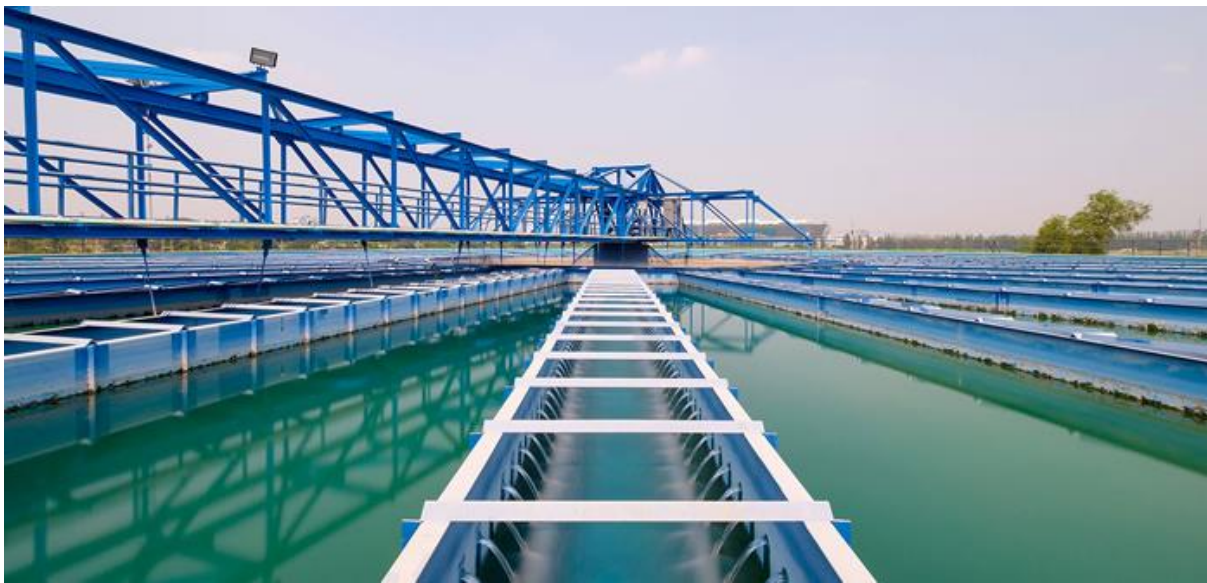
The 2008 global economic meltdown also impacted the project, leading to a shortage of funds for the consortium and delays in securing finance. However, these factors were only amplified by the consortium's poor risk management, which underestimated the challenges and risks involved in the project. Therefore, it failed to implement effective risk mitigation strategies, leading to significant delays and cost overruns, ultimately making the project economically unviable.

In 2019, the AAI terminated the contract with the consortium to complete the airport construction in 2024. When completed, Navi Mumbai would have spent 17 years from approval to completion.

Rwanda (Utilities): On the other end of this spectrum is the Kigali Bulk Water Supply Project in Rwanda. This project was a partnership between the Government

of Rwanda and a private sector consortium led by Metito, a global water management company. The project aimed to provide reliable and sustainable water supply to the rapidly growing city of Kigali, which was facing severe water shortages. KBWS owes its success in large part to the effective risk management strategies that were put in place.

The project team conducted a comprehensive risk assessment and developed a risk management plan that identified potential risks and established strategies for mitigating them. To further mitigate risk, the partnership also established clear roles and responsibilities, established procedures for decision-making and conflict resolution, and established mechanisms for sharing risk and reward equitably.



Kigali Bulk Water Supply (KBWS) Project. Source: Ewanda Ministry of Infrastructure

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4. Contract Management

PPP projects involve complex legal and financial arrangements. They also require detailed contracts that set out the roles, responsibilities and obligations of the public and private sector parties. Therefore, effective contract management is essential to ensuring proper implementation and that projects are delivered according to the terms of the contract.

Perhaps a contrast analogy of two projects would help with putting this in perspective:

...To be concluded in Q1 2023 Bulletin.

Endnotes

- i. <https://punchng.com/minister-rejects-proposal-seeking-to-establish-new-agencies/>
 - ii. <https://www.afdb.org/en/news-and-events/press-releases/african-development-bank-sets-course-close-infrastructure-gap-board-approval-its-first-public-private-partnerships-strategic-framework-48875>
 - iii. <https://businessday.ng/opinion/article/africa-needs-infrastructure-development-for-sustainable-inclusive-growth/#:~:text=According%20to%20the%20Programme%20for,costs%20are%20100%20percent%20higher>
 - iv. <https://ppp.worldbank.org/public-private-partnership/weak-management>
 - v. <https://marketingedge.com.ng/gat-operations-has-cut-mma2s-revenue-by-over-50-says-bi-courtney/>
 - vi. <https://independent.ng/again-bi-courtney-faan-face-off-over-irreconcilable-debts/>
 - vii. <https://timesofindia.indiatimes.com/world/south-asia/lotus-tower-the-latest-of-sri-lankas-white-elephant-projects-built-with-chinese-debt/articleshow/94174400.cms>
 - viii. <https://sfpu.org/about-us/news/san-francisco-public-utilities-commissions-biosolids-digester-facilities-project>
 - ix. <https://themetrorailguy.com/panvel-navi-mumbai-international-airport-status-news-plan-design/>
 - x. https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Project_Brief_Bulk_Water_Supply_Project_Rwanda_2015.pdf
 - xi. <https://www.courthousenews.com/chicagos-decades-long-parking-privatization-contract-goes-before-seventh-circuit/#:~:text=Before%202008%2C%20street%20parking%20in,Meters%20LLC%20for%20%241.15%20billion>
 - xii. <https://african.business/2022/04/technology-information/riding-the-e1bn-dakar-regional-express-to-senegals-future/>
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THE QUEST TO FILL THE INFRASTRUCTURE FINANCING GAP FOR PEOPLE AND PLANET

IMAD N. FAKHOURY

DECEMBER 08, 2022



2Getting infrastructure finance and public-private partnerships right can drive progress toward sustainable development goals. © Shutterstock

After spending two weeks at COP27, something that struck me is the triad of urgent needs: supporting the transition to net-zero economies, protecting emerging and developing economies from mounting and increasingly severe climate risks, and promoting universal access to basic services for millions of households around the globe that are left behind.

Low-carbon, climate-smart infrastructure is critical to achieving these goals, but the financing gap to make this a reality ranges in the trillions. Annually.

This astronomical figure may be difficult to hear, but all is not lost. There is alignment emerging among the public, multilaterals, governments, and private sector about the important link between infrastructure and climate, making for a ripe environment for progress. The key to bridging the gap is optimizing scarce public finance and spending in ways that generate more participation from the private sector. There are a number of ways to do this that bring the best of both worlds—expertise and innovation from the private sector and a dedicated understanding of local markets from the public sector. Multilaterals—like the World Bank—can help bring these two parties together.

Getting this done means pulling together the policies, frameworks, and institutional capacities, combined with good guidance and practical know-how to enable the people who pound the pavement and put the deals together with painstaking

attention to detail to get all the climate, gender, social, and technical considerations right. This includes engagement across stakeholder groups, including the end-users, throughout the process.

While I served in successive ministerial roles in Jordan, I engaged directly in these processes, including through mega projects like the Aqaba Special Economic Zone that leveraged private sector solutions, created markets (and jobs)—and crucially—reduced public debt. Most importantly, these projects ultimately served the country and the people of Jordan. We were able to do more with our scarce public budget through win-win partnerships with the private sector.

Now, having worked in different parts of the World Bank Group since 2019, I see this work from another perspective, which I discussed at several COP27 events over the last few weeks. The World Bank supports policy reforms that enhance market transparency and efficiency, and works with clients to establish the institutional frameworks needed at the country level to bring these projects to fruition. We support countries in developing bankable project pipelines that provide access to concessional and grant funding and use blended and innovative financing bolstered by risk mitigation arrangements. The goal of all of this is to create a world where private finance is deployed for investments that create a greener, more resilient, and more inclusive world.



Road infrastructure in India - Source trafficinfrastructure.com

The World Bank hosts three donor-funded partnerships whose work underlies these massive efforts: The Public-Private Infrastructure Advisory Facility (PPIAF) strengthens policies, regulations, and institutions that enable private sector participation in infrastructure projects; the Global Infrastructure Facility (GIF) helps client countries build sustainable, quality infrastructure pipelines; and the Quality Infrastructure Investment (QII) Partnership provides support for incorporating

quality principles that provide the foundation for achieving sustainable, resilient, and inclusive infrastructure.

We are laser focused on helping countries translate climate action objectives into concrete investment plans and bankable project pipelines. To accomplish this, we bring to bear the full suite of World Bank, IFC, and MIGA financing instruments and capacities to unlock larger volumes of private finance for quality, sustainable, climate-smart infrastructure. We are doing this in the context of our 2021-2025 Climate Change Action Plan to achieve an ambitious 35% target of financing to promote climate mitigation and adaption co-benefits, and, in FY22, we delivered a record \$31.7 billion for climate-related investments. The World Bank's Country Climate and Development Reports bring the plan to the country level and identify the policy reforms and priorities to make these ambitions a reality.



World Trade Centre Abuja - sapientvendors.com.ng

One country where private investment, government action, and international support are coalescing is Uzbekistan. The country's first-ever 100-megawatt solar photovoltaic power plant at Nur Navoi benefitted from international coordination and innovative financing arrangements, including guarantees, which helped mitigate risks for private investors. This

catalytic project, together with the country's establishment of a public-private partnership department, helped open up Uzbekistan's power sector to investment with a focus on renewable energy. Now, the country is well on its way to reaching its goal of 30% renewable energy generation by 2030, a remarkable transformation for a country that was 100% reliant on fossil fuels as recently as 2019.

These arrangements are long term and complex, many spanning decades and involving different entities and contracts. The key to success is in the planning, active management, and attention to vast and multiple layers of details and including areas where capacities need a boost. Financing the transition to net-zero economies underscores all of this work, including through pipelines of climate-smart PPPs and catalyzing financing for the energy transition, backed by practical guidance such as the Climate Toolkits we developed with IFC to get these models right.

The work ahead is hard, it takes a group of tenacious doers across the public and private sectors who hustle and ensure that we get all the components right both in terms of climate commitments and ensuring access to basic services.

It is all hands on deck. With determination we will do it. And we will do right by the planet, and people we ultimately serve.

<https://blogs.worldbank.org/ppps/quest-fill-infrastructure-financing-gap-people-and-planet>



4th QUARTER 2022 3PUCF MEETING REPORT

The Public Private Partnership Unit Consultative Forum (3PUCF), a knowledge and experience sharing platform, held its fourth quarter 2022 3PUCF meeting In December 2022.

The meeting which was opened by the Director General of the Infrastructure Concession Regulatory Commission (ICRC) was hosted by the Nigerian Communications Commission (NCC), and had participants drawn from Ministries, Departments and Agencies (MDAs) of government.

Speaking at the event, Ohiani said the Federal Government had recorded successes in Public Private Partnership (PPP) projects in major sectors of the economy.

Ohiani said the sectors, which had recorded milestones in PPP include the transportation and port sector, the energy and urban sectors, the social infrastructure and special projects sectors.

In the transport sector, he said the procurement process for the concession of Tin Can Island Truck Transit Park by Federal Ministry of Transportation and Nigeria Shippers Council (NSC) in Lagos State had commenced.

“Secure Ticketing Solution for the Lagos-Ibadan and Warri-Itakpe Standard Train services by the Federal Ministry of Transportation and Nigeria Railway Corporation has received a Full Business Case (FBC) Certificate of Compliance.

“This will be presented at the Federal Executive Council (FEC) for approval.”

He said the Onitsha River Port project by the National Inland Waterways Authority and Federal Ministry of Transportation was approved by FEC in February 2022 for a 30-year concession period.

“The Lekki Deep Sea Port project has almost reached 100 per cent completion and is set to commence operations this month.

For the energy and urban sector, Ohiani said the Federal Capital Territory Administration was set to revive the Pay and Park project and had commenced the procurement process.

He said the Federal Ministry of Water Resources had submitted for revalidation, the 136 MW Manya and 182 MW Bawarku hydropower projects in Taraba and Benue, respectively.

He added that in a move to actualise the Petroleum Industry Act, the NNPC PLC had continued the procurement process in the concession of the Pipelines Network and Refineries.

“Under our regulatory guidance, the Bureau of Public Enterprises, Federal Ministry of Water Resources and Ministry of Power have commenced the development of the 700MW Zungeru Hydro Plant in Niger state.

“This is to boost agriculture, while adding to the National Power Grid,” he said.

The DG said in 2022, a total of 34 OBC Compliance Certificates and 12 FBC Compliance Certificates were issued, while a record nine projects received FEC approvals.

The Executive Vice-Chairman of NCC, Prof. Umar Danbatta, said the commission had embarked on two PPP projects – the Revenue Assurance Solution (RAS) and Device Management System (DMS).

Danbatta, represented by Director of Special Duties, NCC, Ikechukwu Adinde explained:

“RAS project was conceived as a technology solution with the capacity to block revenue leakages and enhance the collection of Annual Operating Levy revenue accruing to the government within the telecommunications industry.

“After a rigorous procurement process that involved BPP and later ICRC; a preferred bidder emerged. Public Private Partnership Agreement (PPPA) has been executed and hopes to achieve financial close very soon.

He said the Commission, in its desire to discourage widespread mobile crime in Nigeria, decided to deploy a technology solution based on the Central Equipment Identification Register referred to as DMS.

Also at the meeting, Dr. Amanze Okere, Head of the Special Project Unit of ICRC made a comprehensive presentation on case studies of unsolicited proposals in PPPs. Mr. Gbemiga Oladele, Financial Modelling Expert from ICRC also made a presentation.

WORKSHOPS - TRAININGS - CONFERENCES – SUMMITS – SYMPOSIUMS



DG ICRC, Michael Ohiani with MD of NRC, Mr Fidet Okhiria discussing Rail e-ticketing concession Oct. 14, 2022





Mal. Mohammed Bamalli, others represented ICRC as commission receives Verbatim's 'Integrity in Public Service' Awards October 20, 2022



FCT Chapter of the Nigeria Bar Association (NBA) pay courtesy visit to DG ICRC, Barr. Michael Ohiani on November 3, 2022





Pictures from the 4th Quarter 3PUCF meeting held in December 2022.

MRO AIRCRAFT MAINTENANCE CENTRE TO GENERATE \$185M — ICRC

12/10/2022

Following the issuance of a Full Business Case (FBC) Compliance Certificate by the Infrastructure Concession Regulatory Commission (ICRC) to the Federal Ministry of Aviation, the Federal Executive Council (FEC) has approved the establishment of Maintenance Repair and Overhaul (MRO) centre.

The MRO centre which is going to be the first in West and Central Africa will be a one-stop-shop for the overhaul, routine maintenance and service of aircrafts.

Established as a Public Private Partnership (PPP) with Messrs AJW Consortium as the concessionaire and using the Build Operate and Transfer (BOT) PPP model, the centre is approved for a concession period of 30 years and is expected to generate about \$185 million within the period.

<https://tribuneonline.ng.com/mro-aircraft-maintenance-centre-to-generate-185m-%E2%80%95-icrc/>

FG ANNOUNCES PREFERRED, RESERVE BIDDERS FOR AIRPORTS CONCESSION — ICRC

27/10/2022

The federal government says preferred and reserve bidders have been selected for the concession of Nigerian airports.

Hadi Sirika, minister of aviation, disclosed this to newsmen in Abuja on Wednesday.

In 2021, the federal government opened the bidding process for the concession of four major international airport terminals in the country.

Sirika said the preferred and reserve bidders are foreign companies in partnership with local firms.

He said the preferred bidder for the Nnamdi Azikiwe International Airport (NAIA), Abuja, is Corporacion America Airports consortium, while ENL consortium has also been selected as the reserve bidder for NAIA.

According to Sirika, the preferred bidder for the Murtala Mohammed International Airport (MMIA), Lagos, is TAV/NAHCO/Project Plant Limited (PPL) consortium,

while Sifax/Changi consortium has also been selected as the reserve bidder for MMIA.

<https://www.thecable.ng/fg-announces-preferred-reserve-bidders-for-airports-concession>

FEC approves establishment of planetarium, museum to boost tourism

03/11/2022

The Minister of Aviation, Hadi Sirika says Nigeria will have a national carrier before the end of 2022.

Sirika said this at a two-day Africa Public Private Partnership Network (AP3N) Investment programme held in Abuja on Tuesday.

The programme was organised by the Infrastructure Concession Regulatory Commission with the theme, “Financing Africa’s Infrastructure through Public Private Partnership (PPP).”

The News Agency of Nigeria (NAN) reports that Nigeria Air is the nation’s proposed national carrier which was unveiled at the Farnborough Air Show in the United Kingdom in July 2018.

The minister, represented by Mr Akin Olateru, the Commissioner and Chief Executive Officer, Accident Investigation Bureau (AIB), said the Air Transport License had been issued.

<https://www.vanguardngr.com/2022/11/fec-approves-establishment-of-planetarium-museum-to-boost-tourism/>

FG RECORDS SUCCESS IN PPP IN MAJOR SECTORS – ICRC BOSS

01/12/2022

By Okeoghene Akubuike

Michael Ohiani, Director-General, Infrastructure Concession Regulatory Commission (ICRC) says the Federal Government has recorded successes in Public Private Partnership (PPP) projects in major sectors of the economy.

Ohiani said this at the Fourth Quarter 2022 PPP Units’ Consultative Forum (3PUCF) in Abuja on Thursday.

The News Agency of Nigeria (NAN) reports that the fourth quarter forum was hosted by the Nigeria Communications Commission (NCC).

Ohiani said the sectors, which had recorded milestones in PPP include the transportation and port sector, the energy and urban sectors, the social infrastructure and special projects sectors.

In the transport and port sector, he said the procurement process for the concession of Tin Can Island Truck Transit Park by Federal Ministry of Transportation and Nigeria Shippers Council (NSC) in Lagos State had commenced.

“Secure Ticketing Solution for the Lagos-Ibadan and Warri-Itakpe Standard Train services by the Federal Ministry of Transportation and Nigeria Railway Corporation has received a Full Business Case (FBC) Certificate of Compliance.

<https://www.nannews.ng/2022/12/01/fg-records-success-in-ppap-in-major-sectoars-icrc-boss/>

FEC APPROVES PPP REDEVELOPMENT OF POLICE DIG QUARTERS

13/12/2022

The Federal Executive Council (FEC) last week, approved the redevelopment of the Nigeria Police's Deputy Inspector General (DIG) Quarters in Maitama, Abuja under a Public Private Partnership Arrangement.

The project which is under the regulatory guidance of the Infrastructure Concession Regulatory Commission (ICRC), will adopt the Design-Finance-Build-Lease and Transfer PPP model, with Cosgrove Investment Limited as the Concessionaire.

According to the Full Business Case Certificate of Compliance (FBC) awarded to the Nigeria Police Force (NPF), the project has a concession period of 55 years, with the first five years set aside for redevelopment and leasing.

<https://www.icrc.gov.ng/fec-approves-ppp-redevelopment-of-police-dig-quarters-2/>

FEC APPROVES THREE PPP PROJECTS FOR NIMASA, TARGETS \$1.1BN REVENUE – ICRC

24,12,2022

The Federal Executive Council (FEC) has approved three Public Private Partnership (PPP) Projects to be executed by the Nigerian Maritime Administration and Safety Agency (NIMASA).

According to a report by the News Agency of Nigeria (NAN), this is contained in a statement by Mrs Manji Yarling, Acting Head, Media and Publicity, Infrastructure Concession Regulatory Commission (ICRC).

Yarling said the projects, under the regulatory guidance of the ICRC, were projected to generate over 1.1 billion dollars to the Federal Government during the concession period.

She said the projects included the Eastern Offshore Waste Reception Facility, Central/Western Offshore Waste Reception Facility, and a Floating Dry Dock.

<https://thenationonlineng.net/fec-approves-three-ppp-projects-for-nimasa-targets-1-1bn-revenue-icrc/>

**OUTLINE BUSINESS CASE/FULL BUSINESS CASE (FBC) COMPLIANCE CERTIFICATES
ISSUED BY THE COMMISSION IN THE THIRD QUARTER 2022**

OBC compliance certificates issued

S\N	MDA	PPP Project	Date/Status
1.	Federal Ministry of Transportation	The Establishment of Public Mass Transport Services in the Federal Republic of Nigeria	October 6, 2022 Procurement process initiated
2.	National Commission for Museums and Monuments	Development of Infrastructure in National Museum, Enugu	October 11, 2022
3.	Nigerian Correctional Services (NCS)	The Establishment of Bakery Production for the selected three Zonal Correctional Centres	November 21, 2022 Procurement ongoing
4.	Federal Ministry of Water Resources	Farin Ruwa Hydro power Project	December 6, 2022 Procurement Phase to commence
5.	Federal Ministry of Power	Grand Katsina Ala hydropower project	December 15, 2022. Procurement Phase to commence

FBC compliance certificates issued

S/N	MDA	PPP Project	Date
1	Federal Capital Territory (FCT)	Maximization of revenue from water bills in FCT	October 27, 2022 FBC Certificate to be presented to FEC
2	Federal Radio Corporation of Nigeria FRCN	FRCN Land Lease, Owerri, Imo State.	November 22, 2022 FBC Certificate to be presented to FEC
3	Federal Radio Corporation of Nigeria FRCN	Concession of Land in Ikeja Lagos (Revalidation) (Fishvalley LTD)	December 5, 2022 (Revalidation) Project Approved by FEC on December 21, 2022
4	Nigerian Maritime Administration & Safety Agency (NIMASA)	Central Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	December 12, 2022 (Revalidation) Project Approved by FEC on December 21, 2022
5.	Nigerian Maritime Administration & Safety Agency (NIMASA)	Western Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	December 12, 2022 (Revalidation) Project Approved by FEC on December 21, 2022
6	Nigerian Maritime Administration & Safety Agency (NIMASA)	Eastern Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	December 12, 2022 (Revalidation) Project Approved by FEC on December 21, 2022
7	Nigerian Maritime Administration & Safety Agency (NIMASA)	The Operation of NIMASA Modular Floating Dry Dock	December 12, 2022 (Revalidation) Project Approved by FEC on December 21, 2022

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FEC Approved Projects

S/N	Project Name & Description / Current Status	MDA / Grantor	Approval Date/ Duration of Concession	Concessionaire
1.	Development of a Maintenance, Repairs and Overhaul (MRO) Facility The FGN intends to establish an MRO facility for aircraft maintenance, inspections and supply of parts to the aviation sector	Federal Ministry of Aviation	FEC Approval October 12, 2022	AJW Consortium – AJ Walter and Gloresly Pro-Project
2,	Concession of Planetarium and Museum The project seeks to equip, operate and maintain the Planetarium and Museum at the Obasanjo Space Centre Abuja.	National Space Research & Development Agency (NASRDA)	FEC Approval November 2, 2022	Milky-way Visuals
	Research and Development of Satellite Technology and Equipment for the Provision of cost-effective satellite broadband to rural Nigeria	National Space Research & Development Agency (NASRDA)	FEC Approval November 30, 2022	Messrs Gilat Eleo Technology
3.	Redevelopment of the Nigerian Police DIG Quarters at Maitama District, Abuja, through Public Private Partnership arrangement	Nigeria Police Force	FEC Approval November 30, 2022	Cosgrove Nigeria
4.	Concession of Six hectares of Land in Ikeja Lagos for Mixed Use	Federal radio Corporation of Nigeria	FEC Approved on December 21, 2022 for a	FishValley Nigeria Ltd

	Development		55 -year Concession	
5.	Western Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	Nigerian Maritime Administration & Safety Agency (NIMASA)	FEC Approval on December 21, 2022 for a 15 year Concession	African Circle Pollution Waste management LTD
6	Central Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	Nigerian Maritime Administration & Safety Agency (NIMASA)	FEC Approval on December 21, 2022 for a 15 year Concession	African Circle Pollution Waste management LTD
7.	Eastern Offshore Waste Reception Facility (OWREF) Concession under a Design, Finance, Build, Operate, Maintain and Transfer (DFBOMT) under a PPP arrangement.	Nigerian Maritime Administration & Safety Agency (NIMASA)	FEC approval on December 21, 2022 for a 15 year Concession Period	XPO Marine Services LIMITED
8.	The Operation of NIMASA Modular Floating Dry Dock	Nigerian Maritime Administration & Safety Agency (NIMASA)	FEC approval on December 21, 2022 for a 15 year Concession Period	J-Marine Logistics



FROM THE NIGERIA INSTITUTE OF INFRASTRUCTURE AND PUBLIC PRIVATE PARTNERSHIP (NII3P)

Activities of NII3P 4th Quarter 2022

S/N	TRAINING	MDA	DATE	MODE
1.	Basic PPP	Federal Airports Authority of Nigeria	27 th -28 th Oct	Online
2.	Intermediate Training	NDPHC, Nigeria Shippers Council, DMO, Bank of Agriculture	31 st Oct-3 rd Nov	Physical (Outside Abuja)
3.	Basic PPP	NIMET, Ministry of Interior, Consumer Code of Conduct Bureau	9 th – 11 th Nov	Physical (Abuja)
4.	Special Financial Modelling Class	Nigeria Ports Authority	14 th – 17 th Nov	Physical (Outside Abuja)
5.	Special Financial Modelling & Risk Management Class	NIMET, State House, Federal Ministry of Environment	5 th - 9 th Dec	Accra, Ghana

1.1 MBA in PPP Programme

The NII3P in collaboration with Malaysia University of Science and Technology, commenced the Master of Business Administration in PPP. The class currently has 24 Students enrolled

1.2 CP3P APMG Certificate Courses

The Institute facilitated the CP3P Foundation and Preparation Courses for the MBA class. The opportunity was extended to ICRC staff and some interested MDAs

1.3 PPP Sensitisation Programme

The NII3P also participated in special Sensitization programmes on PPP awareness at the different MDAs as follows:

- 25th October, 2022 ~ Federal Ministry of Youth and Sports Development
- November, 2022 ~ Federal Ministry of Environment at four regional zones of Akure, Asaba, Jos and Owerri

Mental Health FACT Sheet (WHO)



Mental Wellness. Source: sabilaw.org

Key facts

- Affordable, effective and feasible strategies exist to promote, protect and restore mental health.
- The need for action on mental health is indisputable and urgent.
- Mental health has intrinsic and instrumental value and is integral to our well-being.
- Mental health is determined by a complex interplay of individual, social and structural stresses and vulnerabilities.

Concepts in mental health

Mental health is a state of mental well-being that enables people to cope with the stresses of life, realize their abilities, learn well and work well, and contribute to their community. It is an integral component of health and well-being that underpins our individual and collective abilities to make decisions, build relationships and shape the world we live in.

Mental health is a basic human right. And it is crucial to personal, community and socio-economic development.

Mental health is more than the absence of mental disorders. It exists on a complex continuum, which is experienced differently from one person to the next, with varying degrees of difficulty and distress and potentially very different social and clinical outcomes.

Mental health conditions include mental disorders and psychosocial disabilities as well as other mental states associated with significant distress, impairment in functioning, or risk of self-harm. People with mental health conditions are more likely to experience lower levels of mental well-being, but this is not always or necessarily the case.

Determinants of mental health

Throughout our lives, multiple individual, social and structural determinants may combine to protect or undermine our mental health and shift our position on the mental health continuum.

Individual psychological and biological factors such as emotional skills, substance use and genetics can make people more vulnerable to mental health problems.

Exposure to unfavourable social, economic, geopolitical and environmental circumstances – including poverty, violence, inequality and environmental deprivation – also increases people's risk of experiencing mental health conditions.



Mental health - Source The Guardian

Risks can manifest themselves at all stages of life, but those that occur during developmentally sensitive periods, especially early childhood, are particularly detrimental. For example, harsh parenting and physical punishment is known to undermine child health and bullying is a leading risk factor for mental health conditions.

Protective factors similarly occur throughout our lives and serve to strengthen resilience. They include our individual social and emotional skills and attributes as well as positive social interactions, quality education, decent work, safe neighbourhoods and community cohesion, among others.

Mental health risks and protective factors can be found in society at different scales. Local threats heighten risk for individuals, families and communities. Global threats heighten risk

for whole populations and include economic downturns, disease outbreaks, humanitarian emergencies and forced displacement and the growing climate crisis.

Each single risk and protective factor has only limited predictive strength. Most people do not develop a mental health condition despite exposure to a risk factor and many people with no known risk factor still develop a mental health condition. Nonetheless, the interacting determinants of mental health serve to enhance or undermine mental health.

Mental health promotion and prevention

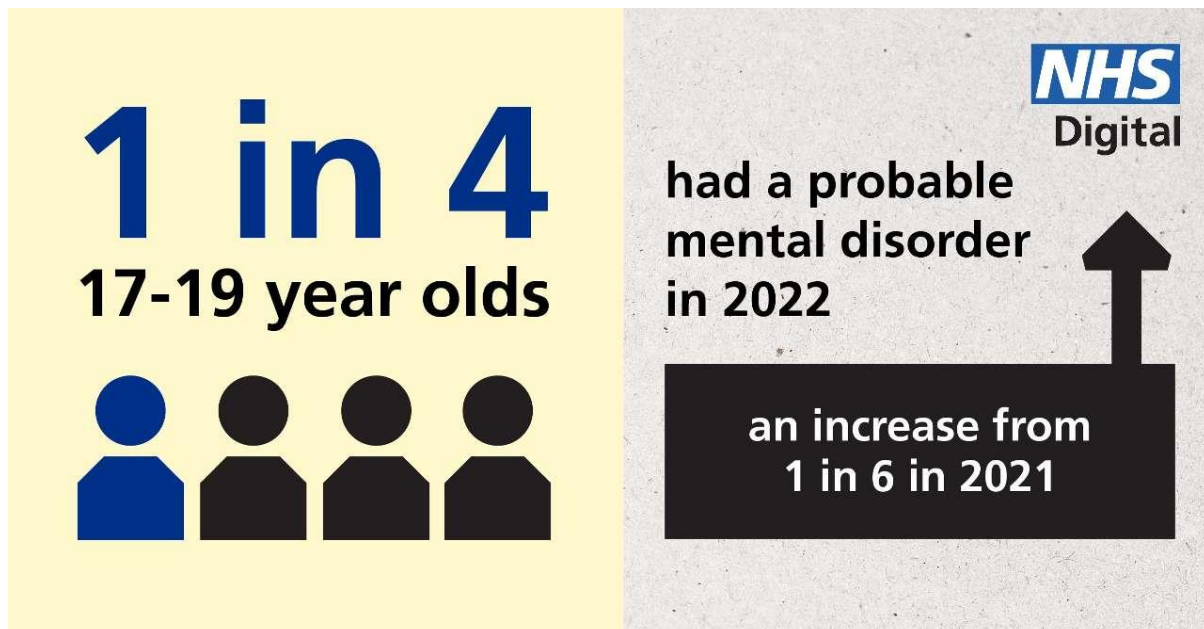
Promotion and prevention interventions work by identifying the individual, social and structural determinants of mental health, and then intervening to reduce risks, build resilience and establish supportive environments for mental health. Interventions can be designed for individuals, specific groups or whole populations.

Reshaping the determinants of mental health often requires action beyond the health sector and so promotion and prevention programmes should involve the education, labour, justice, transport, environment, housing, and welfare sectors. The health sector can contribute significantly by embedding promotion and prevention efforts within health services; and by advocating, initiating and, where appropriate, facilitating multisectoral collaboration and coordination.

Suicide prevention is a global priority and included in the Sustainable Development Goals. Much progress can be achieved by limiting access to means, responsible media reporting, social and emotional learning for adolescents and early intervention. Banning highly hazardous pesticides is a particularly inexpensive and cost-effective intervention for reducing suicide rates.

Promoting child and adolescent mental health is another priority and can be achieved by policies and laws that promote and protect mental health, supporting caregivers to provide nurturing care, implementing school-based programmes and improving the quality of community and online environments. School-based social and emotional learning programmes are among the most effective promotion strategies for countries at all income levels.

Promoting and protecting mental health at work is a growing area of interest and can be supported through legislation and regulation, organizational strategies, manager training and interventions for workers.



Mental Health in England - Source NHS

Mental health care and treatment

In the context of national efforts to strengthen mental health, it is vital to not only protect and promote the mental well-being of all, but also to address the needs of people with mental health conditions.

This should be done through community-based mental health care, which is more accessible and acceptable than institutional care, helps prevent human rights violations and delivers better recovery outcomes for people with mental health conditions. Community-based mental health care should be provided through a network of interrelated services that comprise:

- mental health services that are integrated in general health care, typically in general hospitals and through task-sharing with non-specialist care providers in primary health care;
- community mental health services that may involve community mental health centers and teams, psychosocial rehabilitation, peer support services and supported living services; and
- services that deliver mental health care in social services and non-health settings, such as child protection, school health services, and prisons.

The vast care gap for common mental health conditions such as depression and anxiety means countries must also find innovative ways to diversify and scale up care for these conditions, for example through non-specialist psychological counselling or digital self-help.

WHO response

All WHO Member States are committed to implementing the “Comprehensive mental health action plan 2013–2030”, which aims to improve mental health by strengthening effective leadership and governance, providing comprehensive, integrated and responsive community-based care, implementing promotion and prevention strategies, and strengthening information systems, evidence and research. In 2020, WHO’s “Mental health atlas 2020” analysis of country performance against the action plan showed insufficient advances against the targets of the agreed action plan.

WHO’s “World mental health report: transforming mental health for all” calls on all countries to accelerate implementation of the action plan. It argues that all countries can achieve meaningful progress towards better mental health for their populations by focusing on three “paths to transformation”:

- deepen the value given to mental health by individuals, communities and governments; and matching that value with commitment, engagement and investment by all stakeholders, across all sectors;
- reshape the physical, social and economic characteristics of environments – in homes, schools, workplaces and the wider community – to better protect mental health and prevent mental health conditions; and
- strengthen mental health care so that the full spectrum of mental health needs is met through a community-based network of accessible, affordable and quality services and supports.

WHO gives particular emphasis to protecting and promoting human rights, empowering people with lived experience and ensuring a multisectoral and multistakeholder approach.

WHO continues to work nationally and internationally – including in humanitarian settings – to provide governments and partners with the strategic leadership, evidence, tools and technical support to strengthen a collective response to mental health and enable a transformation towards better mental health for all.

<https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response>

ON A LIGHTER NOTE

Welcome to my country where
parents remove their glasses just to
hear exactly what you're saying 🤔



There are two reasons why I won't let my girlfriend drive my Range Rover. One, I don't have a girlfriend, and two, I don't have a Range Rover.

There is a woman behind every successful man. Do you know why? Because women do not follow unsuccessful men.

How do you solve world hunger and poverty simultaneously? By feeding the poor to the hungry.

I feel bad for kids in third-world countries. They must go through puberty and their mid-life crisis at the same time.

I thought money was the only thing that could change people until I went to a wedding yesterday, and ordinary Jollof rice made someone act as if she did not know me

ABOUT THE PUBLICATION

ICRC Bulletin is a quarterly newsletter of the Infrastructure Concession Regulatory Commission under the Presidency of the Federal Republic of Nigeria. This newsletter is a useful tool for communication and is part of the Commission's thrust to engage staff and stakeholders by providing timely, accurate and knowledgeable information on its activities.

We value your views, contributions and opinion. For enquiries, comments and suggestions on this issue, you may email us at info@icrc.gov.ng.

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