

Governance and the Public Policy Process: Transforming Nigeria into a Truly Modern Society¹

Introduction

I sincerely thank the Head, staff and students of the Department of Public Administration and Local Government for selecting me to deliver today's 2014 Public Inaugural lecture. I also thank our host, the Vice-Chancellor of this great institution, for accepting me into his territory. For me this lecture is indeed very gratifying and a personal fulfillment because I am very much at home with the subject matter we shall be discussing today for the following reasons:

- For the past thirty-seven years I have been practicing public administration from when I began my work career as an NYSC Corp member from 1977 until I retired officially as a Federal Director in 2010. Incidentally, I hold an M.Sc. in Political Science (1980) from the University of Ibadan and my field of specialization was **Public Policy and Statistics**.
- I have from 29th November 2011 been involved in public policy at the highest level of governance as the Chairman and Chief Executive

¹ A Public Lecture delivered by Ekpo Nta, Esq., Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC) at the 2014 Annual Inaugural Public Lecture, holding at the University of Nigeria, Nsukka; Tuesday 4 November, 2014

Officer of the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

The title of my lecture, as you already know, is **Governance and the Public Policy Process: Transforming Nigeria into a Truly Modern Society**. Central to the development and transformation of any nation is the quality of governance and the public policy making process. All over the world, nations, especially developing ones, are embracing measures aimed at modernizing their societies. Increasingly therefore, the quality of governance, and indeed the public policy process, has received increasing attention of scholars and policy makers alike. Nigeria has not been an exception in this regard. The Transformation Agenda of the present Federal administration for the last three years seeks to transform Nigeria into being one of the 20 leading economies by the year 2020. Several policies and national development plans have been formulated and undergoing implementation some of which include: the National Infrastructural Master Plan, Nigerian Industrialization Master plan, the Agricultural Transformation Plan just to mention a few.

The relevance and urgency of these transformational policies have never been in doubt, as evidenced by tangible positive results and outcomes. Our biggest worry is the “**vehicle**” required to ensure good quality delivery and the sustenance thereto. In the light of our past experiences, are the current public institutions, governance practices and frameworks available in the country sufficiently strong to drive and

sustain the transformation of Nigeria from its current state into a truly modern society?

But before we look at what the transformation of Nigeria entails and the role of **governance** and the **public policy** making process in that exercise, let us briefly define the two concepts.

Defining Governance and Public Policy Process

A. Governance

Until the early nineties, the concept of governance did not feature seriously in national or international development discourse. This was due, in part, to the erroneous belief that development was politically neutral, and that, what was required for socio-economic development was a strong government and political stability. Multilateral development institutions like the World Bank and the International Monetary Fund (IMF) claimed then that even if governance should matter, such issues were outside its sphere and so they would not dabble into the internal politics of developing nations. As will be expected, Some Third World dictators capitalized on this, to loot the resources of their countries. When the failure of all the development programmes and policies in most African countries became apparent in the late eighties, these institutions began to focus more on **„governance’** as a critical factor in socio-economic development. The **„governance’** concept (**like corruption**) has

now become so popular that it now literally features in every discussion on development and growth.

But what does the term even mean? The World Bank defines governance as

“the use of institutions, structures of authority and even collaboration to allocate resources and coordinate or control activities in society or the economy” (World Bank, 2003). However, a renowned scholar, Kaufmann, and his colleagues conceive of governance as consisting of the traditions and institutions by which authority in a country is exercised. *This includes: the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies, and the respect of citizens and the State for the institutions that govern economic and social interaction among them* (Kaufmann et al, 2006).

After a study covering over 213 countries over past decades, they identified six aggregate governance indicators. These include:

1. Voice and accountability: the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.
2. Political stability/absence of violence: perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including political violence and terrorism.

3. Government effectiveness: the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.
4. Regulatory quality: the ability of the government to formulate and implement sound policies and regulations that permits and promotes private sector development.
5. Rule of law: the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence.
6. Control of corruption: the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as „capture“ of the state by elites and private interests (Kaufmann et al, 2006: 4).

Governance may operate in an organization of any size: from a single human being to all of humanity; and it may function in a positive or negative way. It is in this sense that good governance is differentiated from bad or poor governance. Good governance therefore is now used to refer to the exercise of political power to promote the public good and the welfare of the people. The public good here incorporates the norms of values of a free, just, ordered and law-governed society as well as those of happiness and the good life (Babawale, 2007: 8). Bad governance, on the other hand, expresses itself in many forms. But for us in Nigeria, the one

we are most familiar with are: corruption involving stealing of public funds, abuse of office, mismanagement of the country's resources, etc.

B. Public Policy Process

Policy has been described in various ways. For the purpose of this lecture, it can be described as a long series of more or less related activities and their effects. Policies can be made by an individual, private organization or a publicly-owned institution. When policies are made by public institutions we can label them as public policies. In simple language, a public policy may then be described as a purposive course of action followed by the government or public institutions. Public policies are usually made to cover all areas of governmental interventions. In this sense, we can talk about health policies, educational policies, agricultural policies, economic policies, defence policies, foreign policies, housing policies, etc.

Policies whether made by public or privately owned organizations possess several attributes, including:

- a) The decision which translates to policy is **goal-oriented**. That is to say that policy must be targeted at solving a specific problem.
- b) A policy must involve series of actions. That means that a policy should have an **identifiable action plan** that needs to be followed in order to actualize set goals.

- c) A policy must be rooted in some **institutional structures** combining finance, human resources and even physical structures needed for its implementation.
- d) A policy must be derived from **duly constituted rules or laws**. This makes a policy to be authoritative to promote certain values or agenda or allocate resources to promote the values of the government or organization.

The public policy process generally describes the processes through which a public policy occurs. Notwithstanding differences in institutional and political settings, there is broad consensus that the public policy process generally involves the following activities which may also be referred to as stages:

- a) Problem identification
- b) Agenda setting
- c) Policy formulation
- d) Policy legitimization
- e) Policy implementation
- f) Policy evaluation

Problem identification occur when members of the public, masses and elite alike, begin to make demand on the government over various problems and challenges requiring government actions and interventions. These problems could be in any area of national life, such as security, health, education, housing, road, agriculture etc. Such demands or needs are usually expressed in an informal, spontaneous and uncoordinated manner.

The second stage is the **agenda setting stage**, where some of the demands emanating from the population have to be taken up and synthesized by formal and influential institutions, individuals and interest groups, such as think tanks, intellectuals, the media, politicians/political parties, government officials, civil society and others. At this stage, selected demands are transformed into important policy issues which will then be sold to the government and its institutions for consideration. Whether your demands receive serious attention will naturally depend on how influential you are, or how serious others perceive your request. Secondly, and more important, no government has the capacity to address all the demands of its people in one fell swoop.

During the third stage, that is the **policy formulation stage**, some of the policy issues emerging during the agenda setting stage will be taken up by the government or relevant public institutions which will then transform them into concrete public policy. This is perhaps the most important phase in the public policy process. Policy formulation involve a careful considerations of several issues, including the problems requiring government intervention, several alternative courses of action, the cost and benefits of intended actions, the timing of the interventions, individuals and institutions to be charged with different phases of implementation, and duration of the intervention, just to mention a few.

The next stage is **policy legitimization**. Despite the lengthy process involved in the policy formulation stage, once a policy is formulated it

will still be necessary to sell it to all the critical stakeholders to ensure that it is perceived as legitimate and lawful. This is because policies usually produce gainers and losers however well meaning. The process of legitimization could take several forms, including approval by some of the highest organs of the state, such as the Council of Ministers, Parliament and the Judiciary. Seeking the understanding and support of the key stakeholders and the general public is also essential.

After a public policy has gone through the process of legitimization, it must then be **implemented**, which is the fifth stage. This will involve bringing together all the necessary human and material resources necessary to achieve the goals of the policy. Policy implementation should follow strictly the different stages of implementation outlined in the policy by the policy makers. The duration of this process will vary depending on the nature of the problem necessitating the intervention. However, the implementation of most public policies will usually go on for several years.

The final stage is the phase known as **policy evaluation**. This essentially involves an assessment of the impact of the policy to be carried out either by the policy makers themselves or by any of the various interest groups or independent experts. Typically policy evaluation takes place either mid-way into policy implementation or at the end of the intervention period, however, policy evaluation may also be carried out before policy implementation commences. Policy evaluators

are usually interested in several issues when carrying out policy evaluation, including whether or not the policy has met its intended objectives and the cost associated with implementing the policy relative to the benefits derived. The latter is also known as cost-benefit-analysis.

Having defined governance and public policy making, let us talk about transformation of Nigerian into a modern society and the role of governance and the public policy process in that transformation.

Transformation of Nigeria into a Modern Society: The Place of Governance and the Public Policy Process

In recent times there has been much debate about whether Nigeria is on the verge of a major socio-economic transformation. We know we can achieve this. The International Community knows we can achieve it if only we can get our act together. Obviously the major policy trust of the Transformation Agenda (2011-2015) by the current Federal Government launched aims at transforming Nigeria into a advanced modern economy. But what do we mean by a modern society?

No country or society will like to be addressed as ancient, traditional or pre-modern. Those terms are negative and derogatory. But the truth still remains that not all society are modern or fully modernized. One way to understand a modern society is to contrast it with a traditional society. The latter is synonymous with small-scale economic production and out-dated technologies or infrastructures whereas a modern society possesses large scale industries and up-to-date technologies and infrastructures.

Wikipedia, the world's leading online dictionary, defines modernity (state of being a modern society) as *a historical category which refers to a period marked by a questioning or rejection of tradition; the prioritization of individualism, freedom and formal equality; faith in inevitable social, scientific and technological progress and human perfectibility.*²

One question we may now ask ourselves is whether Nigeria is a modern society? And if that is not the case, how she can successfully transform into one? I am sure all of us will agree that Nigeria is not yet a full-fledged modern society. The truth is that the State of affairs in Nigeria relative to the features of a modern society which I have described above clearly points to the fact that we are still a long way from being a modern society. Whether we are talking about the nature of our economy, level of industrialization and technology, or quality of our infrastructure, that conclusion would still hold. The question is, therefore, not whether or not we are a modern society, but whether we are ready and willing to begin the process of transforming our country into a truly modern society.

Successive governments in Nigeria have always made policy statements and taken steps efforts aimed at transforming the Nigerian

² www.en.m.wikipedia.org/wiki/Modern)

society with varying levels success. These policies include anti-corruption reform, massive infrastructural development (power, road, transportation, etc), manufacturing, agricultural production, etc. The current Federal Government has helped Nigeria sustain an annual economic growth rate of about 7 percent, **one of the highest in the world**. However, to fully achieve the laudable objectives of the transformation agenda to transform Nigeria I suggest that it must also be domesticated and adopted by State and Local Governments. What challenges militate against our collective quest?

Challenges Militating against the Transformation of Nigeria

In my view two major factors are responsible for the limited impact of our current effort to transform our dear nation into a truly modern society: governance and public policy process. Anybody who is very familiar with the operations of government and public administration in



Nigeria will easily appreciate the negative effects of bad governance on Nigeria's development, which essentially is predicated by incompetence right from the policy identification to policy implementation and evaluation stages. It becomes compounded

when you add weak institutions and integrity-deficit persons as this breeds corruption.

Corruption is a world-wide plague and the United Nations collectively agreed to address it globally through the passage of the United Nations Convention Against Corruption (UNCAC)³. The scope and depth of corruption in the country motivated the passage of several anti-corruption laws and the establishment of multiple anti-graft institutions to fight corruption. Even before Nigeria ratified the United Nations Convention against Corruption (UNCAC) convention in October 2004, she had taken steps to establish specialized and dedicated institutions to address the issue of criminalizing corruption in the public service. A code of conduct for public officers was entrenched in the Constitution of the Federal Republic of Nigeria (1979) which eventually led to the establishment of the Code of Conduct Bureau and Tribunal in 1999. The Code of Conduct Bureau administers and monitors the code of conduct for public officers including elected and appointed public officers at all levels. This was followed by the Independent Corrupt Practices and Other Related Offences Commission [ICPC] in 2000 and the Economic and Financial Crimes Commission [EFCC] in 2003, Bureau for Public Procurement (BPP) 2004, etc.

Some of the commonest forms of public sector corruption seen in Nigeria today include acceptance of gratification and other forms of inducements, influence peddling; embezzlement of public funds and conflict of interests (e.g. in the award of contracts by public office holders

³ <http://www.youtube.com/watch?v=sgSfCxq0hdY>

to cronies, family members and personally-owned companies). Others are bribery; extortion, fraud; nepotism, e.g. in the recruitment, appointment and promotion of public servants; rigging of elections; Virement/misappropriation, conversion of public funds or properties for personal use; procurement scam; leaking tender information to friends and relations; diversion and stealing of funds through manipulation or falsification of financial records; payment for favourable judicial decisions, electoral and examination malpractices, sex-for-marks or admission in tertiary institutions, etc. In recent times also, no institution or sector of our nation has been spared of corruption including, religious bodies, educational institutions, judiciary, military, MDAs, the private sector, etc.

National transformation requires efficient and effective public policymaking and execution, which like all the other stages of the public policy process are hardly possible in an environment where corruption is rife. If the policies are poorly conceived or cannot be properly executed then the dream of transforming Nigeria into a truly modern society may turn out to be a mirage. This is why every one of us must begin to be interested in the issues of governance and how policies are made for us in this country.

Conclusion: Governance and anti-corruption reform as the way forward

There is no doubt that Nigeria is in dire need of national transformation, which will touch every aspects of our national lives. But as we have seen, poor governance and public policy process can militate against the quest to transform Nigeria into a truly modern society. The question will then be what can we do to improve our governance and Policy process to change Nigeria? In my view, the answer is governance and anti-corruption reform. As earlier stated Nigeria has adequately enacted anti-corruption laws and established anti-corruption institutions, which if well utilized, can help solve our governance and public policy challenges.

At this point I will dwell on how ICPC which I head has been executing its mandate to improve governance and policy process to change Nigeria. Section 6 (a-f) of the ICPC Act conferred on the Commission three broad duties or mandates:

- i. To receive petitions alleging corruption, investigate and prosecute individuals for corrupt practices
- ii. To carry out studies and review of the systems and practices of public institutions and ensure that they are free of or not prone to corruption
- iii. To educate the public about corruption and enlist and foster their support in combating corruption.

I will discuss our activities and achievements along three lines corresponding to its legal mandate.

i. Investigation and Prosecution of Corrupt Individuals



One of the principal functions of an anti-corruption agency is to receive petitions bordering on corrupt practices and ensure the investigation and prosecution of corrupt individuals. Furthermore, Sections 45 and 48 of ICPC Act 2000 permits the Chairman of ICPC to seize property, if reasonable grounds exist that such property was acquired beyond the legitimate earnings of the person being investigated, pending completion of investigation and forfeiture orders by the court after successful prosecution. Nigeria is also in the process of enacting the Non-Conviction based Assets Forfeiture law to enhance the asset recovery and management mechanism so that corrupt persons do not retain and enjoy the proceeds of criminal activity. Since I am in the University environment, I would like to advise students and staff to desist from increasing criminal activities like admission and examination racketeering, abuse of office, embezzlement of Student Union and other

funds, participating in fake NYSC scams as shown in the picture above, etc.

ii. System Studies and Review of Public Institutions

One of the most important responsibilities conferred on ICPC by our enabling Act is the conduct of system studies on all public institutions. This exercise implies the comprehensive review of the systems and practices of public institutions in order to ensure that they are free of or not prone to corruption and other related abuses. We collaborate with the management of concerned institutions to eliminate or reform corruption prone systems and practices. We have conducted system studies/reviews in about 208 public organizations, comprising Federal MDAs, State government owned institutions and Local Government Councils.

✓ A System Study of the **Integrated Personnel Payroll Information System (IPPIS)** of the Federal Civil/Public Service



identified procedural abuses which permitted incidents of mis-allocation (Virement) of funds from one sub-head to another without authorizations, padding of payrolls and using excess funds thereof to

shore up overhead expenditures like the provision of under-funded utilities (power, water, etc) to avoid student riots on campus, etc. The outcome of ICPC Report resulted in:

- The setting up of an Inter-ministerial Committee by the Minister of Finance to review the funding of the overhead expenditure of Universities based on actual needs to remove “self-help processes”
 - The holding of a sensitisation workshop on procurement and financial management for University management staff.
 - The successful prosecution of habitual offenders who flouted a post-study directive to discontinue with red-flagged processes.
- ✓ The **University System Study and Review (USSR)** commenced in 2012 in collaboration with the Nigerian Universities Commission (NUC) in reaction to petitions and complaints about corruption from intelligence reports, students, staff, parents and other stakeholders. Three Universities were selected for pilot study and appropriate study designs, instruments and templates were developed to study specific areas of abuse: recruitment, promotions, procurement, examinations, contracts, records management, sexual harassment, operation of illegal degree-awarding bodies, etc. Interim Actions arising from this Study have led to the following actions/directives:
- The institutions have voluntarily begun the resolution of some identified corruption-prone processes and have invited ICPC to intervene in others that need enforcement.⁴
 - The various Anti-corruption Units in the Universities have begun organising seminars for university personnel in respect of

⁴ <http://thenationonline.net/new/war-against-corruption-gets-to-schools-2/>

expected codes of conduct in line with the provisions of the Code of Conduct and Tribunal Act 1999.

- The Nigerian Universities Commission (NUC) has been instructed to review some of its processes to aid the early detection and resolution of accreditation processes in the University system.

- Pre-conviction seizures of properties, bank accounts and the closure of all identified illegal degree-awarding institutions and the prosecution of the operators is ongoing⁵.



iii. Public Education and Mobilization

The trust of ICPC's public education and mobilization mandate is the resuscitation of the good values of primordial Nigerian society which was noted for honesty, accountability, responsibility, communal concern, dignity, etc., in public and private affairs. The following Initiatives have been adopted:

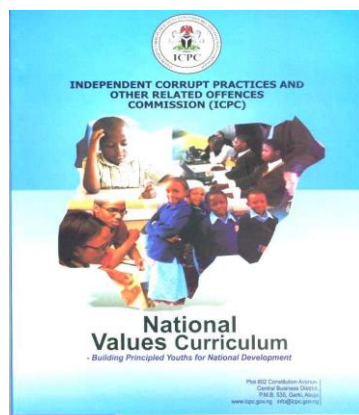
⁵ <http://saharareporters.com/2013/08/01/%C2%A0icpc-arraigns-operator-illegal-university>

- ✓ **National Anti-Corruption Volunteer Corps**, [NAVC] established with about 12, 000 registered members.
- ✓ **National Anti-Corruption Coalition** [NACC] established to coordinate ICPC's collaboration with its registered 350 Civil Societies.
- ✓ Anti-corruption conferences, seminars and training workshops; grassroots anti-corruption outreach/Village square meetings, integrity lecture series, youth competitions, etc. are organized regularly.
- ✓ Publication of anti-corruption educational publications (Coalition Digest, Integrity Training Manual, Anti-corruption handbook, Information Brochure, ICPC Monitor, ICPC Monograph Series, etc.).
- ✓ Online activities which enable us interface with citizens, the media and civil societies through an interactive website, email, YouTube, Twitter, BBM, Facebook, five Toll-free lines, etc.
- ✓ Partnership with the Nigerian Television Authority, academia, local film industry, anti-corruption clubs and other relevant stake-holders to develop cartoons and short drama sketches to depict reward for honest behaviour.
- ✓ Social media as an anti-corruption tool is gaining more acceptance among the youth as more video-clips catching public officers in acts of corruption have been uploaded to YouTube and a popular *egunje* (**I took bribe**) sites which have led to arrests and exposure of some road Traffic Police⁶ men⁷ and women⁸

⁶ http://www.youtube.com/watch?feature=player_embedded&v=9_6zzTQ2gMQ

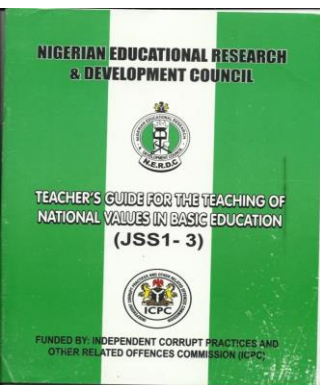
⁷ <http://news.yahoo.com/nigerian-policeman-caught-extorting-money-camera-sacked-121222549.html>

Specific Interventions in the Education Sector include the following:⁹



- ✓ A **National Values Curriculum [NVC]** initiative aimed at infusing national ethics and values in the nation's educational system was initiated in 2007 in collaboration with the National Educational and Research Development Council [NERDC]. The curriculum was infused into selected thematic school subjects in Primary, Secondary Schools and Colleges of Education.

- ✓ In 2012 ICPC launched a **Teacher's Guide** for the teaching of an expanded scope of the National Values Curriculum and supported training workshops for Train-the-Trainer programmes for teachers.
- ✓ Excursion programmes by Secondary School students to ICPC where children are introduced to law enforcement activities and the penalties of criminal Conduct.



- ✓ Hundreds of Anti-corruption Clubs/Vanguards in secondary schools and tertiary Institutions respectively established nationwide.

⁸ <http://www.omobar.blogspot.com/2013/09/another-nigerian-police-officer-caught.html>

⁹ https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2013-August-26-28/Presentations/ICPC_INTERVENTION_IN_THE_EDUCATION_SECTOR.pdf

- ✓ Promoting examination ethics in public examinations through active collaboration with the Public Examination bodies in system reviews to help eliminate corruption-prone processes and providing staff observers with powers of arrest.

- ✓ As part of the education mentoring project, the ICPC Chairman visited



his alma mater primary school at Ibadan (left 47 years ago). I challenge you and other public officers with “good public records” to do same. We tend to concentrate

on our Secondary Schools and tertiary Institutions and forget about the Primary School level where the academic journey started.

- ✓ Supporting and collaborating with Universities that have indicated interest, in developing UNODC-approved course outlines for teaching Corruption Studies.¹⁰ Three Universities: Universities of Benin, Calabar and Ibadan have in principle agreed to commence degree courses in Corruption Studies or to provide **credit-earning** at both undergraduate and graduate levels¹¹.
- ✓ Embarks on Advocacy visits and interactive sessions with Students and staff of Universities in order to engender trust, develop and agree on immediate and specific strategies on corruption-related issues raised through an agreed feedback process.

¹⁰ www.track.unodc.org/Education/Pages/ACAD.aspx

¹¹ <http://thenationonlineng.net/new/uniben-ui-to-begin-courses-in-corruption-studies/>

- ✓ Strong collaboration with the Institute of Corruption Studies, University of Abuja in arranging retreats, workshops and conferences especially for newly appointed public officers. In 2013 it launched its maiden Journal on Corruption Studies.
- ✓ Commenced negotiation with the relevant Authorities to have its proposed National Anti-corruption Academy to be granted accreditation to provide transferrable credit-earning courses in Corruption Studies for students.
- ✓ Encourages individual Institutions to come up with codes for best practices which are submitted for evaluation, discussion and compliance by all other Universities in Nigeria. Currently ICPC has recognised and applauded the following initiatives:
 - the **Sexual Harassment Policy and Gender Mainstreaming Policy** designed and applicable in the University of Ibadan since 2012¹² and,
 - **Code of Ethics Guide** developed by the Anti-corruption and Transparency Unit of the University of Ilorin and launched on 6th August, 2013 by the ICPC Chairman¹³
- ✓ Sponsored debates and competitions in universities. ICPC co-sponsored the National Universities Debate and the International Universities Competitions in 2013 both of which held at the University of Calabar, Nigeria.

¹² www.ui.edu.ng/content/gender-mainstreaming-office

¹³ http://issuu.com/unilorinbulletin/docs/5th_august_web_edition_1

✓ Post-Tertiary Education Interventions



ICPC has been involved for several years in anti-corruption Sensitization lectures /Leadership programmes for young graduates undergoing the one-year NYSC at their orientation camps nationwide. This

is to prepare them for employment with a good grasp of proper ethical values in business.

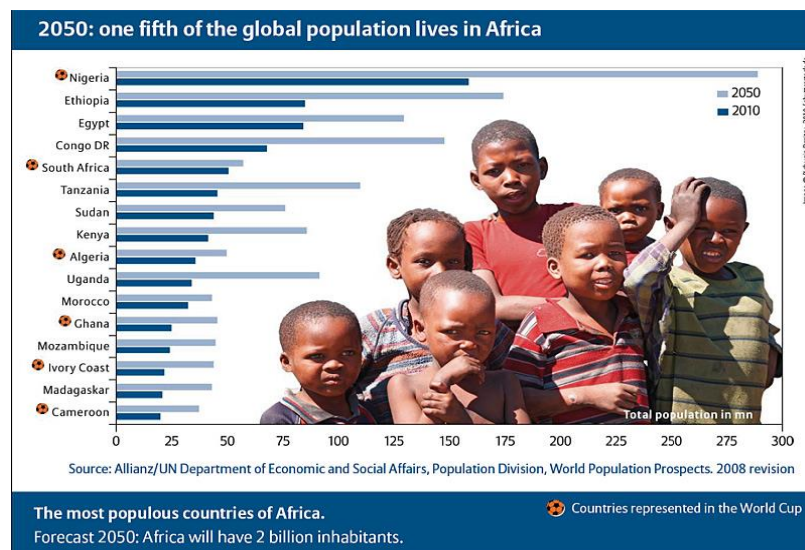
Conclusion:

While our achievements are growing by the day, it will be ingenious to suggest that Nigeria's battle with corruption in recent times have gone on without any hitches or challenges. Indeed, nothing can be further from the truth. For that reason, I cannot conclude this lecture without mentioning some of the challenges which are still undermining our collective struggle to free our country from corrupt practices and bad public policies.

Some of these challenges are the absence of a national coalition to support and sustain the anti-corruption war; delay in implementing legal and judicial reforms needed to expedite prosecution of corruption cases; limited institutional capacity (inadequate human resources, facilities and funding; constant interference by governments/officials of public

institutions at all levels in the sustenance of good practices and difficulty in attracting sustained international support and collaboration in the midst of competing priorities. These challenges need to be urgently addressed in order to further accelerate our effort at curbing corruption, and by so doing strengthen our public policy process. This is most critical because by 2050 Nigeria is harbor a population of 275 million inhabitants.

Thank you for listening.



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