Review

Deregulation and privatization in Nigeria: The advantages and disadvantages so far

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The economic principles of deregulation and privatization were first introduced in Nigeria in the 1980s through the policy of structural adjustment programme (SAP). Since then, government monopolies had disappeared in many industries and over 85 public enterprises (PES) in mining, education, health, agriculture, transportation and telecommunication were transferred, either fully or partially to private owners. The dangers of these principles, however, hardly ever occur to the average Nigerian until recently when the government declared a non-going-back decision to privatize the downstream sector of the petroleum industry. Today questions are being asked about the essence of privatization in Nigeria and it is the focus of this paper too to ask probing questions into the nature, practice and the context of deregulation and privatization in Nigeria. The inquiry centers on the benefits and the expected challenges that have come to characterize the ideas of the two concepts. However, from the content analysis of literature reviewed, the authors showed that the outcome of deregulation and privatization in Nigeria is mixed generally, having both positive and negative socio-economic consequences. Therefore, the paper concluded with recommendations to reform the reform through the involvement of labour unions, increased socio-economic stability and the establishment of more efficient regulatory agencies.

Key words: Deregulation, privatization, government, masses, labour, investors.

INTRODUCTION

In his 2011, new Year message to Nigeria workers, president of Nigeria Labour Congress (NLC), comrade Abdulwaheed Omar reiterated his opposition to the further privatization of public establishment. To Omar, and many others, privatization failed to improve the condition of Nigerian workers and the population at large and that due to persistent corruption, insincerity and lack of political will to do what is right, these economic ideas will continue to sink the country into an anomic-a normless state of detachment and perilous disorder. Yet, some contended that deregulation and privatization are neutral policy ideas that several countries across the globe have benefited from, such that Nigeria-given the right political atmosphere also stands to gain from them. In fact, this group argued that the future of socio-infrastructural development of Nigeria may actually be dependent on freeing the government of responsibilities that can be competently handled by private entrepreneurs (Zayyad, 2007; Akinrele, 2002).

There is no hard and fast way of viewing deregulation and privatization as indicated in the introductory quotations. Also in countries where deregulation and privatization have been introduced, the reasons for pursuing these ideas differ. For example, the main motivation and driving forces in the U.K and the Latin America countries was to attract funds from the private sector to relieve the burden of heavy government subsidies, whereas the other Eastern European states...
needed to decentralize their government structures (Amoda, 2007). In Nigeria, deregulation and privatization were adopted for several reasons, ranging from the demand for efficiency and effectiveness in public enterprises (PEs), to the need for accountability, generation of employment, curb external borrowing, strengthen the capital market amongst others. The question of whether these objectives have been sufficiently addressed in Nigeria constitutes the fundamental questions in this paper. In addition, the work raises probing questions into the nature, practice and the context of deregulation and privatization in Nigeria. The paper is systematically arranged in order to put every issue in perspective by evaluating the intentions of the principles under study against outcomes, at least in the last 25 years. We identified the limitation that generalization imposes on our analysis, and eventually employed a sector by sector assessment approach in order to succinctly capture the complexities of the operation of deregulation and privatization in Nigeria. Although, the paper did not capture all the sectors that have been deregulated and privatized, yet attention was focused on some key sectors.

CONCEPTUAL CLARIFICATION

One way of understanding the concepts of deregulation and privatization is to separate them from what they are not. For instance, the concepts are often used in relation to commercialization. According to Ojo (2010) and Zayyad (2007), commercialization involves a situation in which the mandate of PEs is to operate as money-making ventures, source for funds for their activities internally and they are required to efficiently function without any subvention from the government. In other words, a commercialized enterprise is expected to employ the procedures of private enterprises in running its business. Deregulation and privatization sharply differ from this.

Deregulation can be described as an economic reform, a fiscal and monetary policy measures in which laws or rules of entry and exit into a market weakened, relaxed or totally removed in order to enhance the competitiveness of economic actors (Adegbemile, 2007). It is the simplification or dismantling of the legal and governmental restrictions in the operation of market forces, especially in relation to price-fixing (Ajayi and Ekundayo, 2008; Ojo, 2010). For there to be de-regulation, therefore, there must have existed a set of rules, which imposes limitation on how business is conducted within a market. Ojo (2010) further explains that deregulation could easily be conceived as ‘anti-regulation’ or:

A situation in which there is absence of regulatory procedure and lack of directive to bring under control, law or constituted authority. It describes a situation in which individual is allowed legally to act as he wants. And to deregulate economy is to give legal backing to individual to fix price arbitrarily of whatever products, goods and services, produced and rendered.

However, it should be noted that, deregulation is often in degrees, this definition represents an absolute that may not occur in practice; very often, what we have is the relaxation of government control, the extent of which differs from place to place and for different businesses.

Whereas deregulation deals with the legal framework of market environment, privatization relates to transfer of ownership of enterprises from the government to private owner(s). According to the Privatization and Commercialization Act of 1988 and the Bureau of Public Enterprises Act of 1993, privatization in Nigeria refers to the relinquishment of part or all of the equity and other interest held by the federal Government or any of its agencies, in enterprises whether wholly or partly owned by the Federal government. To Jerome (2008), privatization is often employed to describe a range of policy initiatives designed to alter the mix in ownership and management of enterprises away from government in favour of the private sector. Even in Zayyad’s (2007) description, transfer of ownership is also central wherein the principle of privatization means ‘transfer of government-owned shareholding in designated enterprises to private shareholders, comprising individuals and corporate bodies’. In essence, privatization describes a socio-economic re-organization of activities in which social services that were hitherto provided by government are now transferred to private investors. That is, policy allows the government to divest itself of provision of social services (Izibili and Aliya, 2007). Put in another way, privatization may be said to be the opposite of nationalization or indigenization where the latter is the conversion of ownership from private owners, usually foreign owners, to the government.

BACKGROUND TO Deregulation and Privatization in Nigeria

Contrary to what the recent concern about deregulation and privatization suggests, the ideas are not new at all. Their origin can be traced to the series of problems that many Third World economies were facing in the late 1970s. Here in Nigeria, the disruption of the country’s political scene by the military was critical in intensifying the role of government in business, especially due to the indigenization Decree of 1973 which ensured the conversion of privately controlled international corporations into state-own enterprises (Adoga, 2008). Jerome (2008) explains that the government increasingly assumed a more diverse and strategically important development roles in the Nigerian economy...’ accentuated during the oil boom of the 1970s and 1980s, when successive
military regimes, buoyed by economic nationalism and massive oil windfalls, developed a large public enterprise sector encompassing a broad spectrum of economic activities. These covered large basic industries (manufacturing, agriculture, services, public utilities and infrastructure). They included telecommunications, power, steel, petrochemicals, fertilizer, vehicle assembly, banks, insurance and hotels (Jerome, 2008).

Resulting from the above was the emergence of about 1500 Public Enterprises (PEs) (one of the largest in sub-Saharan Africa) all of which were being funded by oil revenue and they were all performing poorly, turning in less and less annually. At first, the sustainability of the welfare system was not questioned since the country was earning billions in surplus from oil trade. Nevertheless, it was only a matter of time before things changed. And when the time came, Adoga (2008) describes the state of Nigeria’s political economy with the following words:

By the mid-eighties, the crash of international oil prices ensured that the usual billions of Nigeria pumped into these corporations could no longer be sustained by the Federal Government. At the same time, annual profit of these corporations plummeted due primarily to corruption and inefficiency... excessive bureaucracy, defective ownership structures, gross incompetent management, complacency, defective capital structures, lack of effective control and supervision by the government, outdated technology, nepotism, international competition e.t.c.

Jerome (2003) captured the state of Nigeria’s financial burden before the wave of privatization more succinctly:

The estimated 1,500 enterprises accounted for about 57% of aggregate fixed capital investment and about 66% of formal sector employment... The magnitude, scope and persistence of failure of Nigeria’s public enterprises (PEs) have been extraordinary. These enterprises require continuous massive subsidies but deliver only intermittent and substandard services, industrial enterprises typically operate at 10-35% of capacity... Investment in the public enterprise sector exceeded US$35 billion, comprising US$12.5 billion in equity, US$10.2 billion in government loans, and another US$11.5 billion in unspecified and largely unrecorded subventions to various enterprises.

Given the scenario above, and the pressure from international lending organizations, the Federal Government rolled out the economic policy of deregulation and privatization with the inauguration of an 11-person Technical Committee on Privatization and Commercialization (TCPC) in 1988. We want to point out that the international Monetary Fund and the International Bank for Reconstruction and Development (now World Bank) had earlier recommended privatization as part of the Structural Adjustment Programme (SAP). The policy thrust of SAP, observes the Consumer Empowerment Organization of Nigeria (CEON, 2008) was focused ‘on economic reconstruction, social justice and self-reliance through the alteration and re-alignment of aggregate domestic expenditure and production patterns for the purpose of restoring the economy back to the path of steady’ and a very fundamental aspect of the recommendation to government was the ‘rationalization and privatization of public enterprises to encourage competition through liberalization and deregulation’. In this regard, therefore, the TCPC was directed to coordinate the rehabilitation of government enterprises and oversee Nigeria’s privatization programme in which the actual divestiture commenced in the early months of 1989 (Jerome, 2008). From 1988 to 1993 when the privatization process was suspended, 55 firms had been privatized by the TCPC vis-à-vis five methods namely, public offer of equity shares for sale, private placement of equity shares, sales of assets, Managements buy-out and differed public offer.

The TCPC encountered numerous challenges between 1988 and 1993 when the programme was suspended. Some of which include: excessive bureaucratic bottle-necks, imbalances in the geo-political spread of shareholders distribution, lack of access to credit, over-subscription, ideological warfare between the government and those who saw privatization as imperialistic and labour antagonism (Zayyad, 2007; Jerome, 2008). The government replaced the TCPC with the Bureau of Public Enterprises (BPE) with the promulgation of Decree No. 78 of 1993. BPE experimented with the lease of PEs for a while and due to criticism by foreign investors, the scheme was dropped. Hence, the second round of privatization in Nigeria never took off until 1998 after the then military, General Abdulrasam Abubakar, announced his commitment to privatize—given IMF’s resolve to resume with Nigeria only after the government has expressed commitment to pursue the policy (Obadina, 1998; Jerome, 2008).

The legal framework within which BPE commenced operation is through the Public Enterprises (Privatization and Commercialization) Decree No. 28 of 1999, which created the National Council on Privatization (NCP). Amongst other tasks, the council’s functions included:

1. Making policies on privatization and commercialization
2. Determining the modalities for privatization and advising the government accordingly.
3. Determining the timing of privatization for particular enterprises.
4. Approving the prices for shares and the appointment of privatization advisers.
5. Ensuring that commercialized public enterprises are managed in accordance with sound commercial principles and prudent financial practices and;
6. Interfacing with public enterprises, together with the
supervising ministries, in order to ensure effective monitoring and safeguard of the managerial autonomy of the public enterprises (Igbuzor, 2002).

The BPE, as the secretariat to the NCP, was saddled with the following responsibilities:

1. Implementing the council’s policy on privatization and commercialization
2. Preparing public enterprises approved by the council for privatization and commercialization
3. Advising the council on future public enterprises that may be privatized or commercialized
4. Advising the council on capital restructuring need of the public enterprises to be privatized
5. Ensuring the update of accounts of all commercialized enterprises for financial discipline
6. Making recommendations to the council in the appointment of consultants, advisers, investment bankers, issuing houses, stockbrokers, solicitors, trustees, accountants and other professionals required for the purpose of either privatization or commercialization.
7. Ensuring the success of the privatization and commercialization exercise through effective post transactional performance monitoring and evaluation and;
8. Providing secretarial support to the council.

EVALUATING THE BENEFITS AND THE CHALLENGES OF Deregulation AND PRIVATIZATION IN NIGERIA

An effective evaluation of deregulation and privatization in Nigeria must provide an account that is sufficient enough to appropriately capture the complexities of their intentions and achieve consequences, whether intended or not. Put in another way, the best approach to employ in the analyses of the ideas under scrutiny is to juxtapose or highlight the anticipated benefits that were defended in justifying deregulation and privatization and ascertain if these ends were met. In light of this, the following four key goals will guide my discussion namely;

1. To curb corruption, promote operational efficiency and effectiveness through better corporate governance
2. To generate employment through private sector-driven expansion
3. To cut down on public debt control public spending
4. To develop the capital market, increase the states of individual citizens in public enterprises through share ownership and encourage activities in other sectors of the economy.

The first justification for the need to adopt deregulation and privatization is based on the belief that corruption will be checked. Jerome (2008) stated that the Federal Government of Nigeria is estimated to have invested about 800 billion naira (approximately US$90 billion equivalent) in the PE sector over two decades, currently one of the largest in Africa. Because these PEs were not raising enough revenue to sustain their own activities, and with no reasonable profit to speak of, it was reasoned that private owners are properly positioned to minimize corruption by taking control of PEs. But is it really true that private owners are more prudent and less corrupt than public owners? Adoga (2008) disagrees completely. He maintains that the privatization process in Nigeria is inherently riddled with corruption and that due to the lack of transparency in the transfer process, privatized companies were also found to perpetuate corrupt practices. Adoga cited several examples of actual collusion between BPE and foreign investors in the sale of public establishments. In most of these cases, PEs were usually undervalued and sold to technically deficient investors. For instance, Ajao Kuta which was built with over $1.5 billion was given away at $30 million while Daily Times (one of the largest newspaper company in pre-privatization period) was saved by a court declaration only after Folio communications had sold off myriad of assets belonging to the newspaper company.

In addition, it had been argued that private owners are more cautious, more disciplined and much more efficient than the managers at the public enterprises. Unfortunately, ‘the efficiency hypothesis’ is not without doubt. According to Nwoye (2001), critical ‘analysis shows no clear evidence that private service delivery is inherently more effective or less effective than public service delivery’. The validity of this claim was revealed in the case of RORO Port:

...which was for many years managed by a private company, claimed to have generated a paltry monthly revenue of ₦54,000,000.00 (fifty four million naira). Out of this amount, it claimed that about 80 percent of the total income was used to pay salaries and other sundry expenses. This left a profit of six million naira... about 50 percent of which was paid to the Nigeria Port Authority (NPA) as profit. However, NPA recorded a staggering sum of sixty million naira as revenue. Out of this amount, only six million naira was used for payment as salaries and other overhead cost leaving a total of fifty four million naira in the coffers of government (Nwoye, quoted in Igbuzor, 2002).

The second appeal for deregulation and privatization relates to employment generation. The postulation was that an economy that is driven by private investors will naturally lead to expansion and ultimately job creation. In some Third World countries where privatization was implemented, post-implementation findings about job creation were generally mixed. While some countries record increased employment, 78.7% cut in jobs was documented in Argentina. Nigeria has not done well in this regard either. Although Jerome’s (2008) study
showed job increase in post-privatization scenario in three major companies (namely: Ashaka cement, United Bank of Africa and Unipetrol), what is not clear however is whether this study overlooked the fact that this may not tell us what we need to know about the impact of privatization at the macro level. For one, it will be dangerous to extrapolate the level of employment that has been recorded in telecommunications. Some would even argue that mostly unskilled and indirect jobs were created which may not contribute to the country’s Gross Domestic Product. We will clarify this further.

For instance, from 1980 to 1992 admission into universities averaged 35,720. If this number is cut by half at graduation, it nonetheless exceeds the average of jobs announced during the same period which stood at 9,306. Again, in the three years prior to the inauguration of the TCPC, announced jobs was 13,629 more than in the first three years after privatization began. It could be argued that three years is too short to assess major economic reforms, says Ifiok Ibanga (2009), in the short term, unemployment may arise due to price increase and job cuts by investors who need to maximize profit (Ibanga, 2009). However, given the level of complication engendered by the clusters of annual graduate turn-out and under-performance in privatized companies, it remains doubtful that deregulation and privatization would lead to more jobs in the future. In fact, as at 2008, the BPE admitted that not more than 10% of privatized corporations were performing (Adoga, 2008).

The third intention of the initiators of deregulation and privatization was to use the reform to control public spending and drastically reduce national debt. Remember that we mentioned earlier that Nigeria accumulated massive debts during the oil price crash in the 1970s; the government felt the sale of PEs would provide the needed cash. Indeed, about 3.4 billion naira was earned from the sale of 468.2 million naira worth of original government equity within the space of four years from 1988-1992 (Obadina, 1998). Regardless of what was earned from these transactions, one question that begs for answers is how to reconcile the fact that Nigeria went into the millennium with crippling debt. Furthermore, evidence failed to support the fact that the federal government (FG) has been prudent in spending, considering the billions that is being wasted on the power sector every year.

The capital market was considered to be a very strategic sector of the economy and if there is a policy that could strengthen such institution, its adoption will not be out of place. The fourth aim of deregulation and privatization was, therefore, to develop Nigeria’s capital market, increase the stakes of individual citizens in public enterprises through share ownership and encourage activities in other sectors of the economy. Shares sale at the capital market was popular during privatization and this process created more than 250,000 new shareholders in 12 banks (Obadina, 1998). In a way, it appears that the deregulation succeeded in boosting the capital market although the ‘free reign’ that ensued afterwards, because of the unavailability of strong monitoring body, caused serious strain on the economy. Another distinct aspect of the debate centres on the ‘quality of shareholders that emerge from the exercise’. While the middle and low class citizens claimed that they were not given equal opportunity during purchase, some others protested that the sale benefited some regions more. Yet again, a different concern relates to the extent to which other sectors of the economy were developed. Nigeria is seen by some as the only country whose past is always healthier than her present. From agriculture to mining and education, sectorial development in Nigeria depreciated continuously and government efforts are yet to completely protect the industries.

What have been done far was to bring to the fore the miscalculations that unwarranted generalization leads to. The paper had thus far shown that the benefits of deregulation and privatization are not likely to be obvious if we measure general objectives against general outcome. Hence, its position is not that Nigeria had not benefited from these economic principles but rather that performance measurement is best based on industry to industry or sector to sector evaluation.

THE JOURNEY SO FAR: BENEFITS AND CHALLENGES FOR THE FUTURE

In his 2002 paper that was addressed to the Canadian Minister for international Trade and his delegates, Adedolapo Akinrele documented the milestone achieved by Nigeria since deregulation and privatization. In the telecommunication sector, Akinrele stated that deregulation ushered Nigeria into the global system. The policy revolutionized business processes in the country, closed distances and led to the emergence of new class of entrepreneurs. Between 1998 and 2005, the number of fixed lines users rose from 410,000 to 1.2 million (Adegbemile, 2007) and due to the entry of more GSM operators, mobile users soared from 12.8 million in 2005 to about 90 million active users by the end of 2010. With two national carriers, the telecommunication sector had gone from strength to strength, absorbing both skilled and unskilled workforce from the labour market and falling tariffs has helped reduce the cost of doing business. So far, the sector is rated above all other deregulated sectors of the economy. In broadcasting, the contents of radio and television broadcast signals have increased in terms of varieties and durations since the advent of liberalization.

Unlike in the telecommunication industry, transportation and power sectors are fraught with difficulties. In spite of this, deregulation contributed immensely to the growth and safety of air travels even though the same cannot be said of the railway. The power sector is still under
reformation and the functions within the industry are being fragmented into generation, transmission and distribution companies, each to be shared between the government and private operators. The Federal Government, through contractors had experimented with postpaid meter system during the past year and it is hoped that if power generation is tackled, the country may likely witness progress in the power sector (Katende and Okafor, 2006). Meanwhile, the process of fully-privatizing the power sector recently has been hindered by the fact that some people who want to purchase the sector were acclaimed by the masses as corrupt ex-public servants.

The most debated sector in Nigeria today is the oil sector. The euphoria around the success of the telecommunication sector was overshadowed by renewed effort of the government to deregulate and privatize the downstream sector of the petroleum industry. The propensity to ‘a multiplier effect syndrome’ is the reason for apprehensiveness among many Nigerians. The government thinks that Nigeria will surely benefit from privatization since the sale of the four refineries would enable the country to put a stop to the importation of petroleum products. According to Rasheed Gbadamosi, the Chairman of Petroleum Products Pricing Regulatory Agency (PPPRA) in 2005, deregulation has been applied to some petroleum products pricing since 1993. That there will be challenges at first, continues Gbadamosi, is definite but the future holds great promises. What this means is that, there will be many suppliers of petroleum products in the Nigerian market, thereby encouraging competition and attendant lower costs. But the question is, despite many suppliers of petroleum products in the Nigerian market now, why the increase of petrol pump price to ninety seven naira?

In education, access to higher studies has increased dramatically. On the average, 333,225 prospects applied for admission into Nigerian universities between 1982 and 2002 with close to a total 84.4% unmet demand. Today, Nigeria has about 105 universities, federal, state and private owned, but they are still not enough to carry the ever growing demand. The deregulation of education was criticized on several fronts, some of which bother on the threat to adult education (Ojo, 2010), money-making motive of private universities, widening of social gap, inadequate facilities and the challenges of quality assurance (Ajayi and Ekundayo, 2008).

CONCLUSION

In the course of this paper, the analysis of the benefits and the challenges of deregulation and privatization in Nigeria have been spelt out. It reflected on the concepts that are involve in the work thereby laying the foundation for other issues. The components and the complexities of the principles of deregulation and privatization in Nigeria were also examined, which led to an understanding that it may be wrong to assume that these ideas are good or bad in themselves. Before this, the paper shows that measuring the performance of PEs by juxtaposing objectives and outcome is problematic. The work therefore approached the impacts of the principles by appraising individual sectors. In the end, it was observed that the government must engage labour union in the transformation process, ensure the provision of safety net for the citizens and establish more regulatory agencies. Therefore, whether seen as an ideology or a reform, deregulation and privatization are economic principle of structural balancing—not ‘a quick fixer’ but ideas to be diligently pursued consistently and transparently for its intended outcome and benefits to manifest.

REFORMING THE REFORM / POLICY RECOMMENDATIONS

The forgoing are indications that the outcome of deregulation and privatization in Nigeria is mixed, having both positive and negative socio-economic consequences. This gives an important insight into the multifaceted nature of the issues under examination, especially in the exposition of the dangers of not viewing these ideas polemically. Deregulation and privatization are neither inherently good nor bad (Nwoye, 2001)- just as an explosive derives its definition not from its inherent nature but from the end to which it was applied. Transformation occurs in every society and Nigeria is not an exception given the country capitalist orientation today; a long journey away from the socialist ideologies that characterized the early years of independence. For the reason that deregulation and privatization survived scores of administrations, we believe that three issues must be addressed in order to improve their results.

Firstly, a careful study of the trend in privatization in Nigeria gave us an idea about power of labour unions in determining the success of reforms. As noted by Zayyad, ‘a subset of the group who oppose privatization on ideological grounds are those who believe that privatization is anti-labour, as it will inevitably lead to massive retrenchment’. These people feared that privatization would gradually take Nigeria away from the citizens. Labour organizations and civil societies are the forerunners in this regard. They front for the youths, employed and unemployed, women and children and the masses in general. Many of these groups have access to the means of gathering and disseminating information and also utilize the internet to get their message to the international audience. Zayyad maintains that labour stands to benefit from the successful privatization of PEs but his position fails to identify dialogue as an ingredient in the matter.

Secondly, socio-economic stability and social security must also be looked into. According to the World Bank, there are certain conditions for key factors that must exist
if a country desires to pursue privatization. Amongst other thing, privatization is believed to work well as a part of a larger programme of reforms promoting efficiency, preparedness, recruitment of transparent officers, existence of social safety net and so on. In sum:

Privatization is not a blanket solution for the problems of poorly performing state owned enterprises. It cannot in and of itself make up totally for lack of competition, for weak capital markets, or for the absence of an inappropriate regulatory framework. But where the market is basically competitive, or when a modicum of regulatory capacity is present, private ownership yield substantial benefits (World Bank, quoted in Igbuzor, 2002).

Finally, there is need to establish, and duly empower more, regulatory, agencies to oversee the activities of competitors. This is one of the reasons why it had been difficult to monitor performance in post privatized PEs (Adoga, 2008). The task of selling is not as challenging as post monitoring activities. The BPE literally went to sleep after companies have been transferred to their new owners. Some of the following are important functions that must be served by regulatory bodies.

1. Creation of level playing field and ensuring competition
2. Maintain quality standards for services by specifying qualification requirements for service providers
3. Protection of consumers' rights and safeguard them from fraud
4. Ensure sufficient provision of information to those who need it
5. Prevention of environmental degradation through proper monitoring of market player
6. Guarantee wide access to services everywhere in the country
7. Prevention of financial instability and protection of consumer saving from excessive risk-taking by financial institutions
8. Check mating the issues of insecurity, Godfatherism, corruption, tribalism, ethnicity, religious affiliation and nepotism, but embracing meritocracy and qualification in employment and

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