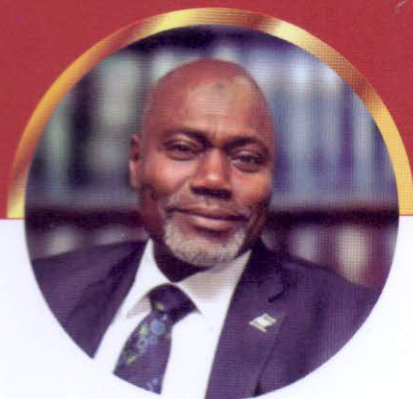




UNIVERSITY OF LAGOS, NIGERIA
SCHOOL OF POSTGRADUATE STUDIES
<http://spgs.unilag.edu.ng>

10TH ANNUAL LECTURE

THEME:
“GOVERNANCE AND
DEMOCRACY IN NIGERIA”



By

Mallam Yusuf Olaolu Ali, SAN
Guest Speaker



J. F. Ade-Ajayi Auditorium (Former Main Auditorium UNILAG)

Thursday, 27th July, 2017 10.00am

GOOD GOVERNANCE AND DEMOCRACY AS THE PIVOT FOR QUALITY HIGHER EDUCATION IN NIGERIA: BEING A PAPER DELIVERED BY YUSUF ALI SAN: AT THE UNIVERSITY OF LAGOS POSTGRADUATE SCHOOL ANNUAL LECTURE HELD AT ADE AJAYI AUDITORIUM, 27TH JULY, 2017 PREAMBLE

I will like to start this discourse on a note of appreciation to the Dean, members of staff and students of the post graduate studies of this great university for the invitation extended to me to deliver the 2017 UNILAG Annual Post Graduate School lecture. Mine is coming after the ones delivered by Mr Felix Ohiwerei in 2008, Alhaji Muhammed Sa'ad Abubakar III, the Sultan of Sokoto, in 2009, Pastor Enoch Adeboye in 2010, Chief Olusegun Obasanjo GCON, the former President of Nigeria in 2011, Mr B R Fashola SAN, former Lagos Governor and current Minister of Power, Works and Housing in 2012 while in 2016 His Royal Majesty the Ooni of Ife, Oba Adeyeye Enitan Ogunwusi, Ojaja II delivered the last in the series. I am therefore the first common Nigerian to be invited to share this platform with these men of distinction in their various chosen fields of endeavor. I feel honored even if I feel a bit overawed with the achievements of the earlier speakers at this forum.

I want to ask for permission to alter the title of the lecture from, " Good Governance and Democracy ", to " Good Governance and Democracy as the Pivot for Quality Higher Education in Nigeria ". I decided to alter the topic to reflect on the fact that four of the six earlier lectures had education as their focus and also since the university is a sub set of the larger society, any discussion on the topic as originally conceived by the organizers will have a bounce off effect on the university system in our country. If my request is granted by the organizers as I hope it will be, then our discussions will be on the topic, " Good Governance and Democracy as the pivot for Quality Higher Education in Nigeria ".

1.0 INTRODUCTION

Nigeria like other countries in the world, recognizes education as the major instrument for effecting national development, inclusive growth, progress, technological breakthrough, advancement in human attainment and world peace. Education is critical for socio-economic and political development of all Nations, including Nigeria. These goals of education can only be positively and fully attained if quality delivery is rendered in higher education in Nigeria. For our higher education to be of good quality, it is critical for Nigeria's higher education to become globally competitive.

For us at the onset to appreciate the parlous state of our higher education, it is instructive to have a quick glimpse into the ranking of universities as shown on the result of global universities ranking this year. The 2017 reputation ranking, released recently are based on 10,566 responses from 137 countries, by over 10,000 experienced, published scholars, who offered their views on excellence in research and teaching in their disciplines. The scholars were asked to name not more than 15 universities they believed were best in research and teaching, based on their experience and professional networks. The data were then analyzed, university by university, as well as country by country. The results were then used to rank the top 100 reputable universities.

The results show that the most reputable university in the world is Harvard University. It is followed by the Massachusetts Institute of Technology and Stanford University in second and third places respectively. Oxford and Cambridge tied for fourth place, the University of California at Berkeley came sixth. Rounding up the top 10 are Princeton, Yale, University of Chicago and California Institute of Technology, in that order.

On the whole, 42 American Universities made the top 100, followed by the United Kingdom with 10 Universities, Germany, China and Japan each had six Universities on the list, the Netherlands has four, Australia, Canada, France, Hong Kong,

South Korea and Switzerland each had three Universities. Singapore and Sweden each had two, and Belgium, Brazil, Denmark, Russian Federation and Taiwan each had one. Sadly, no African not to talk of a Nigerian University made the cut.

The essence of this discourse is therefore, to see how we can improve our higher education to attain the international status that will bring it at par with that of the countries that are currently considered as reputable. It is believed that this is achievable through good governance and democracy in the higher institutions. Of course, higher institution in the context of this paper is taken to include post-graduate education.

2.0 CONCEPTUAL CLARIFICATION

2.1 GOOD GOVERNANCE: Governance is defined by the World Bank as :

“the manner in which power is exercised in the management of a country's economic and social resources for development”.

2.1.1 Good governance, in the context of our discourse, will in effect mean the use of power by the authorities of our higher institutions i.e. the Council, Management, Faculty, administrative cadre and how the system operates:

- (a) To promote democracy, accountability and transparency
- (b) To formulate and implement good policies
- (c) To effectively and efficiently manage the human and financial resources in order to achieve sustainable inclusive development, achieve economic prosperity to alleviate poverty.

2.1.2 Governance in higher education is the means by which institutions for higher education (tertiary or post-secondary education) are formally organized and managed, though often there is a distinction between definitions of management and

governance. Simply, university governance is the way in which universities are operated. Governance in the field of higher education refers to the legal appropriation of decision making power within universities between the various governance structures (Council, Management, faculty, academic committees, senates, and boards) and administrative structures (departments, programs, presidents, and vice presidents). Furthermore, governance refers to the division of responsibility and accountability with regard to the authority to reach decisions. Governing structures for higher education are highly differentiated throughout the world, but the different models nonetheless share a common heritage.

2.1.3 Good governance includes “both a broad reform strategy and a particular set of initiatives to strengthen the institutions of civil society with the objective of making government more accountable, more open and transparent and more democratic”. It involves the traditions and institutions by which authority in a country or organisation is exercised. These include:

- (i) The process by which governments and leadership structures are selected, monitored and replaced;
- (ii) The capacity of the government to effectively formulate and implement sound policies, and
- (iii) The respect of citizens and the state for the institutions that govern economic and social interaction among them.

2.1.4 Governance encompasses the structures, relationships and processes through which, at both, national and institutional levels, policies for tertiary education are developed, implemented and reviewed. Governance comprises a complex web including the legislative framework, the characteristics of the institutions and how they relate to the whole system, how money is allocated to institutions and how they are accountable for the way it is spent, as well as less formal structures and relationships which steer and influence behaviour.

2.1.5 Governance is the system by which the university is directed, and by which management is held accountable, to enable and enhance the capacity of the institution to ethically and effectively meet its strategic objectives and the expectations of its stakeholders and the community. The University is committed to the principles of good governance which will ensure that the Institution is 'fit for its purpose' as an organization put in place for teaching, research, consultancy and professional services to the community. The three-fold mission of learning, research and service can best be achieved through collaboration, cooperation and consultation among the different stakeholders that constitute membership of the University community. The principles require an understanding and commitment to the formal and informal decision processes by which the university conducts its affairs and maintains its standards. The principles of university governance emphasize academic freedom and autonomy, adding value to student education and academic advancement, public accountability and social responsibility, transparency, ethics and professionalism. Furthermore, members of the university community are enabled to respond to legitimate external entities and forces that shape policy and decisions, understand the noble and extensive mission of the university, appreciate the processes for shared responsibility in governance by all parties, and achieve a fair balance between codification and discretion in running affairs of the institution. Critical to good governance is open consultation, communication and shared participation in decision making. Good collegial relationships and mutual respect among all parties - the faculty, professional and support staff, students and administrative officers, and representatives of external stakeholders - will ensure success in university governance. Generally, the governing process must include: defining policies and setting objectives for securing resources, the appointment of senior staff sufficient to meet the objectives,

and monitoring progress towards those objectives. The following principles will apply to good university governance:

▪ **Fiduciary Obligations and Consultation-** The University represents a range of interests, including the public and private stakeholders who fund it. The university must therefore act as a guardian of our norms, values and promote free inquiry and critical debate, while challenging policies, laws, proposals and ideas. The process of governance must also be consultative, involving all relevant constituencies, each with its own rights and responsibilities. It must guard and judiciously apply all funds allocated or donated to it in a responsible and prudent manner.

- **Transparency-** From an external perspective, this involves maximum appropriate disclosures without jeopardizing the university's strategic interests. The internal perspective revolves around openness in the university's relationship with staff and students, as well as conduct of its affairs in a manner that will bear scrutiny.
- **Ethical Corporate Citizen-** The university must strive for exemplary performance with the highest possible standards of professionalism and ethics, and seek to provide high quality services at a reasonable and affordable cost -whether in matters of finance, administration, research and teaching, and stakeholder relations.
- **Authority, Delegation and Accountability-** The university must allow staff to develop their skills and knowledge to their full potential, and unleash creativity and innovation of community members by vesting decision-making powers at the most appropriate levels in the organization. While the Governing Council exercises ultimate authority on behalf of the Visitor, authority needs to devolve on all facets of the life of the

organization at the different levels. To be accountable requires that one is held responsible for his actions in terms of both effectiveness (impact) and efficiency (use of resources).

- **Internal Controls-** The aim here is to provide a framework of appropriate checks and balances to prevent the misuse of power, and ensure that risks are preemptively and effectively managed. It will also ensure high-level performance and cost-effectiveness in all aspects of the university's academic and service operations through appropriate delegation of responsibility and authority. The ultimate goal is to monitor the exercise of executive authority, safeguard its assets and ensure their appropriate use or disposition, maintain proper accounts and records, comply with relevant legal and regulatory requirements, and ensure appropriate risk management.
- **Shared Responsibility and Participation-** This calls for a broad consensus and open consultation, communication and participation in decisions and decision-making bodies. It requires recognition of the value of diverse opinions in decision making and the pursuit of common mission in an atmosphere of shared governance and shared accountability for the performance of the university in carrying out its vision and mission.
- **Representation and Committee-** Effective governance requires that the faculty, professional and support staff, students and external constituents be represented on budgetary, decision-making, policy-making and procedure-making entities. The committee structure and the university council are appropriate media for the attainment of this goal. It is the general duty of university management to provide strategic leadership to the university; establish and approve all policies and procedures relating to the staff of the university and the general supervision of all persons in the service of the university; establish and approve all operational policies and procedures relating to the administration

and operation of the university, as well as the welfare of the students; manage risk and compliance consistent with university policies, procedures and statutory requirements; ensure the university complies with the law in Nigeria and all jurisdictions in which it operates; implement the resolutions of Council and its Committees; and ensure an effective system of internal control over the financial and related operations of the university.

2.2 DEMOCRACY: The meaning of democracy is not settled; there are different political systems and practices which may appropriately be described as democratic because “despite their different organizations, these political systems mobilize their citizens along the concept of democracy”.

2.2.1 Democracy has been given various definitions by different jurists. Some of these definitions include: “a government by the people, either directly or through representatives,” “government by the people, usually through elected representatives”, the government of the people, by the people and for the people, the rule of the majority and “a free and equal representation of people in a system of government”. However, it can be said that none of the above definitions has been able to give democracy a suitable definition which will capture all the attributes, which must be present in a truly democratic political system.

2.2.2 According to E. O. Alemika & Festus O. Okoye, (2004), “the classical definition of democracy as “the government of the people, by the people and for the people” is an ageless truth, but it still remains in the realm of the abstract. Democracy has since been expanded into an easier and broader term by political scientists. The current trend now, is to “examine democracy as an ideology and the philosophy of governance which sets a high premium on the basic freedom and fundamental human rights of citizens, the rule of law, the right to life and property,

free flow of information and the right to choice between alternative political and religious positions”.

2.2.3 It is also an ageless truth that in general, “democracy is the form of government that is responsive, responsible and guarantees the citizens the inalienable rights or freedom of choice, freedom of association, right to shelter, and freedom from discrimination, right of clothing and an unqualified respect for the rule of law”. (Egbewole 2003)

2.2.4 There is a wide consensus among all jurists that guarantee of equality among citizens, the sovereignty of the people, protection of human rights (freedoms and liberties) and dignity, limited government and supremacy of the rule of law among others, are necessary factors which must be evident in any political system before same can be referred to as democracy properly so called. It is therefore important that in the definition of democracy as a form of government which is characterized essentially, by “the rule of law, equality among citizens, the sovereignty of the people, free choice of rulers, frequent and regular elections, and independence of the judiciary, separation of power, checks and balances and flourishing of human rights”.

2.2.5 In order to incorporate all the essential characteristics of democracy for a proper appreciation and quick understanding of the concept of democracy, within the purview of this paper, democracy for the purpose of this paper, shall be defined as follows:

“A government by the people, either directly or through representatives, in which the government is limited by the rule of law, equality among citizens, sovereignty of the people, free choice of rulers, frequent and regular elections, and independence of the judiciary, separation of power, checks and balances and protection of human rights”

2.3 **QUALITY EDUCATION:** Good quality education has been defined as one that provides all learners with capabilities they require to become economically productive, develop sustainable livelihoods, contribute to peaceful and democratic societies and enhance individual well-being. The learning outcomes that are required vary according to context but at the end of the basic education cycle, it must include threshold levels of literacy and numeracy, basic scientific knowledge and life skills including awareness and prevention of disease. Capacity development to improve the quality of teachers and other education stakeholders is crucial throughout this process.

But it is much harder to identify what quality actually is, how it can be recognized and how it can be measured. This is illustrated by the fact that some of the key policy documents on quality assurance for universities go into great detail about the process by which quality should be assured without ever once saying what actually constitutes 'quality'.

On its website, the British Quality Assurance Agency (QAA) purports to define 'quality', thus:

'Academic quality is a way of describing how well the learning opportunities available to students help them to achieve their award. It is about making sure that appropriate and effective teaching, support, assessment and learning opportunities are provided for them.'

The European Commission is of the view that high quality and relevant higher education is one that is able to equip students with the knowledge, skills and core transferable competences they need to succeed after graduation, within a high quality learning environment which recognizes and supports good teaching. Quality assurance allows people to have confidence in the quality of higher education. Every higher education institution should have a rigorous system of internal quality assurance, assessed by Quality Assurance Agencies which make external checks.

Article 11 of the World Declaration on Education sees quality as a multi-dimensional concept which should encompass all the functions and activities in schools. Such activities of higher educational institutions have been highlighted as teaching, research and scholarship, community service, staffing, students, infrastructures and educational facilities, equipment and the academic environment.

Quality builds knowledge, live skills, perspectives, attitudes and values. When quality education is delivered high enough to meet set standards, the products of education should be able to perform well in the world of work in real life situation. When quality is low, performance cannot meet the set standards.

High-ranking universities as designated as producers of quality education based on three connected factors: concentration of talent, abundant funding and appropriate governance. Indicators of quality education that have been used to rate institutions as 'world class' include the learning environment for teaching, volume, income and reputation of research, research influence of citation, innovation of industry and international outlook of staff and students.

Sadly, going by the above stated criteria, no Nigerian university has made it into the first 1000 universities in the various world rankings of universities. This is not surprising because the rapid rate of establishment of universities in the past few years has put a lot of pressure on the university system in terms of quantity and quality of staff. The staffing situation has been posing a lot of challenge to the quality of programme delivery. The quality and quantity of available staff is below standard. Based on the student-teacher ratio stipulated by NUC for the different programmes run in the system, the Commission estimated that the Nigerian University system has a shortfall of 5000 academic staff, a situation that has invariably been impacting negatively on the quality of delivery of some of the programmes. The ratio of teaching staff to students in many universities is 1:100. In contrast, in Harvard University, it is 1:4; Massachusetts Institute of

Technology - 1:9; and Cambridge - 1:3. Physical facilities for teaching and learning in the public universities are inadequate, dilapidated, over-stretched and improvised.

The major challenges that have been identified as affecting quality teaching in universities included, as earlier stated, poor teacher-student ratio, outdated curriculum, lack of effective computer software and hardware development, archaic system, insecurity, examination malpractices and relevance of subjects thought.. *Another worrisome problem that goes to compound the above negative issues is the endemic, unending and counter productive incessant strikes by the labor unions in our tertiary institutions.*

3.0 RELATIONSHIP BETWEEN GOOD GOVERNANCE AND DEMOCRACY

The performance and measurement of democracy no longer stand differently from good governance. The connection between both concepts and in short, success in the practice of democracy lies strongly in the understanding that democracy, understood as good governance carries with it the capacity for improving society and welfare of its citizens. The nexus between democracy and good governance cannot be overemphasized. In fact, it would appear that good governance is an all-embracing concept that incorporates several democratic values including representation and effectiveness.

Modern representative democracies require representatives that are effective at public decision making, without which, the ensuing crisis of legitimacy and worsening social conditions of citizens will often result in conflicts involving groups and the state or groups against groups that could have been avoided. By simple logical extension, good governance refers to the effective, transparent and accountable way in which such responsibility is carried out. Conversely, bad governance refers to misrule or maladministration in the discharge of responsibility.

From the foregoing, it goes without saying that once democracy is achieved, good governance would most likely follow. Therefore, where the leadership in an institution is democratically driven, good governance becomes an achievement one can take for granted. The above points apply with force to the administration of our higher institutions. The level of decadence in our higher institutions reached a crescendo during the time of military rule in our country. Most heads of our institutions behaved like military commanders, whose words were laws. They could not be challenged as long as they did the bidding of those that appointed them. Most councils of universities and other institutions were mere appendages and decorative. Students unionism became anachronistic and when the students had no legitimate avenues to vent their frustrations, they took to cultism and other anti-social activities. The various labor unions became militant in their activities, since the only language the military government understood was force. Unfortunately the system is still reeling under the yoke of these aberrations.

4.0 GOVERNANCE IN HIGHER EDUCATION- MY UNIOSUN EXPERIENCE

The traditional model of governing universities is collegial and consultative in nature, with large and broadly representative bodies and forums open to all academic members of the university. The usual system in most universities and indeed most countries, as in Sweden, is to have a Governing Board with a number of external representatives from business, industry and regional authorities.

The chair of the Governing Board is not the Vice-Chancellor but "a well-qualified and experienced external personality" who is not employed at the institution and is appointed by the government. This is the model used by Osun State University, of which yours truly is the Chairman of Council.

Part of the aim of bringing external representatives into higher education governance is to include more people with industrial or commercial experience and thereby hopefully strengthen links to the economy and improve internal efficiency. Other external members have been from local or regional government to reflect greater regional interests in funding, and in the contribution of the higher education institution to local economic and social development.

The low quality in the Nigerian educational system identified above is a reflection of failed governance in achieving the goals of transforming our universities. The governance of a university is placed usually on the Governing Council and the Vice Chancellor, as the Chief Accounting Officer. The membership of Councils, as earlier stated, is a mix of external members (government appointees representing various interests) and internal members. The head of Council, Pro-Chancellor and Chairman of Council, is appointed by the Government. The Council has the final decision on appointments and promotion of staff, including the Vice Chancellor. From my experience at the Osun State University, the recent appointment to the office of the Vice Chancellor culminated into a law suit, which is still pending in court. Never mind that all true stake holders were unanimous that the process and procedure adopted by the Council was very transparent. When the applicants were being interviewed, representatives of all the labor unions as well as that of the students were present. They sat through the two days of the interview by the Selection Board of the Council.

The level of scheming for positions, intrigues, polarisation, scramble for money that go on in the system is mind boggling. It is a great eye opener to what goes on in our ivory towers. Osun state University, thanks to the Governor of the state, has the best crop of external members of council any university or higher institution will crave for. We are trying to set some things right.

Part of the effort is the recent introduction of a manual on sexual harassment. It is our hope that from the next convocation of the university, we will adopt international best practices to ensure that we do not shut down the town for convocation. We will hold it in manageable numbers as done in institutions outside of our country. At this juncture I appeal to the authorities that constitute councils for our higher institutions not to see the membership of the councils as jobs for the boys. Governance of the higher institutions is too serious a business to be handed over to political jobbers and men and women that do not have deep knowledge of how higher institutions should be run. Also when new councils are constituted, there must be serious rigorous training on administration of higher institutions, including a deep study of the enabling enactment that deal with such institutions.

UNION STRIKES IN OUR HIGHER INSTITUTIONS.

The Nigerian tertiary system, especially the public universities has, unfortunately not been able to enjoy good governance in recent years as a result of the historical evolution and changing dynamism of staff unionism, amongst other factors. The university system has four staff unions viz: the Academic Staff Union (ASUU), the Senior Staff Association of Nigerian Universities (SSANU), the National Association of Academic Technologists (NAAT) and the Non Academic Staff Union (NASU).

Statistics from the National Universities Commission (2002) reveal that between 1992 and 2013 a period of 21 years, ASUU embarked on strikes over 23 times to drive home its demands. ASUU symbolically marks every academic year with strike. Cumulatively, the Nigerian University System had gone through over two years of academic paralysis observing different strike actions between 1992 and 2013. The figure below depicts the profile of ASUU national strikes from 1993 to 2013 as compiled by the Nigerian Universities Commission (NUC).

Regretably, these strikes have replaced intellectual engagement as the focus for academicians which has conversely affected good governance in our ivory towers. It must be stated however that the blame for the identified Union strikes and disruption of academic programs does not lie in the labour Unions alone. The various governments have a chunk in the blame because they are also notorious in the breach of promises and agreements. This kind of attitude will always produce anarchy and bad governance in our institutions.

To achieve progress in governance, every university Council must possess certain salient qualities.

- a. The external members must be people of proven track record. This cannot be overstressed because of the sensitive nature of the job of the Council. A governing council is an independent body that acts as a buffer between a higher education institution and the external bodies to which the institution is accountable, such as the state and religious or secular sponsors. These bodies present the institution to the outside world, and at the same time present the outside world to the institution. Critically, they help insulate higher education institutions from excessive external interference.
- b. They must be honest and transparent. Members should have an understanding of their responsibility to make well informed, courageous and evidence-based decisions that serve the pursuit of truth wherever it may lead to higher academic standards and the best interests of the university as a whole. This will ensure that the decisions of the Council carry authority and are respected and implemented.
- c. They must be knowledgeable about the university. They should also have an understanding of the principles of good institutional governance and a strong commitment to the principles of public life.
- d. They must buy into the laudable aims of the university e.g. teaching and research. A governing council needs to think about the future, and it will often be involved in developing long-term

plans for an institution and monitoring their implementation. The work of the Council is aligned with institutional missions, values and strategic plans. The Council plays a significant role in debating, developing and implementing institutional strategies in a range of academic areas including educational and information technology, international development and community engagement.

- e. The Council must consist of people who can move the system forward. There should be a balance of membership that allows expert, collegial and well-informed consideration of academic business.
- f. The members of the Council must know their limitations in the day to day running of the institutions. They are not in competition with the vice chancellor or the management or the senate or academic board as the case may be. Council members do not have permanent offices to which they will be reporting every working day in the institutions. They must appreciate that they do not earn salaries because it is not a paid employment. They only take sitting allowances to show the non-permanency nature of their engagement.

4.0 THE ROLE OF GOOD GOVERNANCE IN PROMOTING QUALITY POSTGRADUATE EDUCATION IN NIGERIA

Good governance is one of the foundations for high and improving educational quality. Educational Governance helps us to share good practice and assure Council members and other stakeholders that education and training is well targeted and managed. Good governance promotes educational quality.

Where governance at the universities are overly centralized that the decision-making remains distorted, the institutions will be unable to cope with the challenges of the 21st century. These include the evolution of new markets and the creation of new opportunities; the shift from teaching institutions to learning

organizations; and the emergence of new professions and vocations.

Good governance will see the need to find the right balance between research and teaching, since research is essential for the development of faculty and the improvement of teaching. Unfortunately in majority of the universities, emphasis is only placed on teaching leading to large class sizes and high teaching loads, leaving no room for proper research.

Looking at the higher education institutions, it can be seen that it is up to the decision making bodies to give a vision that is strategic to ensure that the university will function in the best interest of the students by providing quality programs. Universities have this obligation to ensure that there is accountability and that they can be answerable for policies they are implementing and the reasons for their implementation. The Governing Councils are also required to ensure effectiveness and efficiency of their institutions. They are saddled with the responsibility of ensuring that the right human, physical and financial assets have been used to achieve excellence in ensuring quality education.

The overall society has certain expectations from the government and the universities that affordable and quality education will be provided. The trust lies with the governing bodies to ensure the universities follow certain procedures for quality maintenance and there is a hope that universities would do the same.

5.0 CHALLENGES TO GOOD GOVERNANCE

6.0 Under this section, I will take liberty to tackle the challenges of good governance from the broader perspective of the government. I am doing this because what happens on the national stage has ripple effects not only in political matters but in governance issues in our higher institutions of learning.

1. Failure of leadership: The success of governance in any organized political system is determined by the quality of leadership in government or the organisation. Nigeria, a country blessed with natural and human resources still battles with leadership and governance problems after over fifty-six years of independence, this is also reflected in the governance of our higher institutions. The crop of leaders that have attained leadership position since independence had in one way or the other lacked vision, most of them have been engrossed with corruption and political bickering leading to the enthronement of maladministration and mismanagement of public resources, and consequently economic setback and abject poverty as national heritage. Nigeria needs more than ordinary managers of national affairs. Good governance inheres in good leadership. Without transformational leadership, Nigeria may continue to lag, while other societies continue to speed to success in some cases using Nigeria's resources.
2. Religious bigotry: Religion, ordinarily understood, provides some sense of the divine, awe, respect, justice, and peace in the society. On the contrary, religion can be misused through violence, bigotry, and fanaticism. A negative aspect of religion and its impact on good governance is the present situation in Nigeria, manifested mainly in the upsurge of fundamentalism and reckless radicalism or fanaticism, as exhibited by the sects like the Boko Haram since 2009. With the spate of attacks on public institutions, government establishments, mosques, churches and other places of worship, and government's seeming inability to quickly arrest the situation and provide adequate security, one begins to wonder as to the existence of true religion in the governance of a pluralistic society like Nigeria.
3. Corruption: The effect of corruption in Nigeria has seriously constrained development of the national economy and has significantly inhibited good governance in the country.

Despite the huge resources put into the implementation of policies geared towards good governance in Nigeria, there have not been visible changes in the living standard of the citizens, due to gross corruption. Corruption is one of the major reasons for the poor economic performance, decaying infrastructures, the rising cost of living and poverty in Nigeria. The fight against corruption is that of the survival of the nation itself. The socio-economic and political development of a country depends on its ability to entrench and sustain good governance which is expressed in a committed, patriotic and disciplined leadership with a vision to advance the quest for national development. Sadly, Nigeria has existed for over five decades with little or no record of such socio-economic and political development. This ugly trend is connected with the pervasive corruption noted in the country. Fighting corruption is a necessary foundation for good governance and the rule of law, which are the building blocks of sustainable development in a country.

4. **Ethnicity:** The Nigerian federation is a marriage of over 400 ethnic nationalities whose consents were not sought in its formation. This fundamental flaw is further deepened by the fact that these ethnic groups have very striking differences ranging from language, population, level of education and geographical terrain which was not factored into the crafting of the Nigerian State. Expectedly, the politics and governance of the Nigerian State continues to be rudely punctuated by very disturbing ethnic and ethnic related crises that threaten its continued existence as a nation. Ethnicity has remained the single most threatening trigger of crises in Nigeria and it is strongly supported by abject poverty which leaves a larger part of the citizenry grossly frustrated and easily swayed by opportunities to vent this frustration. Similarly, its implication for good governance and sustainable national development is huge in that, employment and appointments into the public service hardly respect the merit rule because ethnic considerations are put ahead of merit and national interest. The

implication is worsening underdevelopment and general failure of governance at all levels.

5. **Lack of national ethos:** This is both an attitudinal problem and an institutionalized mechanism of participation, consultation and accountability. It focuses on the societal value system and level of morality. A decadent and corrupt society will not expect much in the area of accountability from their leaders. The leaders themselves will freely abuse their position and exploit the populace satisfying only a few cronies and vested interests. Such a society is open to violent conflicts, lawless behaviour, and anarchy. Unfortunately, many African states, Nigeria inclusive, bear these traits and are tottering and moving slowly towards the precipice and they could easily fall into the abyss of failed states.
6. **Lack of rallying point:** What the country needs is honest leadership that would be a rallying point for citizens, one that can tame the consuming tides of corruption and evolve creative solutions to our myriad of problems. Addressing the leadership question without tackling the absence of this fundamental emotional investment in the country, would not be enough answer to our challenges. There should be either a person or an institution to pay allegiance to. For instance, George Washington in the US. Washington is the role model for every one of the 42 presidents who have followed him – even though his example has usually been honoured in the breach. His name is everywhere. His face adorns the dollar bill and the 25 cents coin. Across the modern US, 26 mountains are named after him, as well as 740 schools, a dozen colleges and universities, 155 towns and counties, various bridges, parks and forts; not to mention an entire state of the union and the very capital of the country he did so much to found. No country cherishes its legends quite like the US. Another example is Mahatma Gandhi in India. He lived in the hearts of millions of Indians and was respected by all. He laid great emphasis on banishing untouchability, promoting Hindu-

Muslim unity, promoting literacy and in the development of a great nation —India. He moved the people with his sincerity and sacrifice. At his behest, they were ready to lay down their lives for the freedom of the country from foreign powers. His name lives on. Even after all these years, his principles, dedication and mission continue to inspire the country. There is no such personality to whom we jointly show loyalty as a people in Nigeria. Our loyalty is to ethnic origin. The various individuals seen as heroes are so recognized only by people from their part of the country.

7. **Nepotism and Cronyism:** This is the practice or inclination to favour a group or person who is a relative when giving promotions, jobs, raises, and other benefits to employees. This is often based on the concept of 'familism' which means believing that a person must always respect and favour family in all situations including those pertaining to politics and business. This leads some political officials to give privileges and positions of authority to relatives based on relationships and regardless of their actual ability. The practice of nepotism offers appointment to politicians who do not merit such appointment thereby taking away chances of good governance.
8. **Lack of meritocracy and reward system:** Where there is no system in place that recognizes meritocracy which cover both reward for hardwork, honesty and diligence, by citizens and reward for whistleblowers who expose corrupt practices, governance will not be easy to come by.

The University is a microcosm of the larger society. Some of the drawbacks are the same with the nation. Conversely this has affected the quality of education in higher institutions. Some of the challenges of quality in higher education include:

1. **Lack of focus on teaching and research and development:** Ideally, the University should, among others, make optimum contribution

to national development by diversifying and intensifying its academic and research programmes. They should also focus on developing high level manpower to meet industrial and national human capital requirements. Most institutions of higher learning in Nigeria lack staff development programme for training and re-training of staff. Vibrant staff development programme on a continuous basis will help academics and non-academics to clarify and modify their behaviour, attitude, value, skills and competencies. In this way, they grow and develop in their knowledge and thus become more effective and efficient in the performance of tasks. Staff development is paramount because knowledge of today is only sufficient for today. In this era of knowledge explosion and emergent knowledge based economy, staff development should be the priority of any institution. Lack of staff development programmes accounted for the decline in quality of tertiary education in Nigeria.

2. **Embezzlement of public funds:** Education funds misappropriation and mismanagement is a major reason for the deteriorating quality of Nigerian higher education. The number of cases of embezzlement and mismanagement of funds by the managers of our higher institutions in Nigeria are quite frightening. Regardless of the annual budgetary provisions by the Nigerian governments over the years, the standard of educational institutions in the country has continued to decrease because most of the people that run our institutions are not sincere, as moneys meant for higher education is often used for other purposes. Nigeria can only be able to have a vibrant, well-designed and functional higher education system if funds meant for development of higher education are not misappropriated.
3. **Frequent labour disputes and closure of universities:** As stated earlier, closure of the institutions affects good governance and staff productivity and the realization of educational aim and objectives. The frequent disputes and strike galore by university staff and

students leave students with little or no time to complete both their theoretical and practical work. In most cases a semester's course work is sandwiched to few weeks during which lectures are rushed to accommodate the time lost to strike. This type of academic rush is a big threat to attainment of quality in higher education in Nigeria. The higher the level of crisis, disruptions and hostility, the lower the level of productivity, standard and quality of the products of the system. Apart from this, our universities have been unable to benefit from staff exchange programs and robust interactions with their colleagues in other parts of the world because of the incessant interruptions in academic programs.

4. Lack of drive for excellence: This is a grave bane in most institutions. This can be attributed to the fact that most of the staff, especially the lecturers, find themselves in the system, not as a result of any passion in them for the job but for lack of better employment. There is a general lack of interest and passion among the academic staff. This goes a long way to affect the quality of their output and ultimately the quality of education in the country.
5. Restriction of democratic space in the university system: In any system, the world over, there has always been a necessity for democratic freedom to ensure, not only good governance but progress. Whilst it is not desirable to have unions embark on incessant strikes in exercise of their rights, it is also would not augur well for the system if the democratic space were stifling. This would amount to bad governance and eventually reduced the quality of education.
6. Unusual politicking and in-fighting: Ideally, politics is a way of survival in the larger society. However, it has found its way into the ivory towers. The ivory tower represents an imaginary haven where an intellectual can keep away from contact with everyday world. It is a place of retreat from the world and its troubles. Thus, the university is called the ivory tower for a number of reasons. It is

a distinguished guild, an academy, a sophisticated mart where ideas, concepts, theories, abstract principles and speculations, provide the articles of trade. It is not for all comers. Even in the most enlightened societies, it is not everyone that is usually considered a candidate for the university system. It is an exclusive club, reserved for all who are ready, able and willing to go into the realm of abstraction and intellectual action of mind and memory. Unfortunately, the ivory towers have been infiltrated by individuals who have no business being there, and who therefore focus on politicking rather than research and development, which is the primary focus of the university.

7. In spite of all I said about corruption in the system, there is funding gap. The governments must strive to reach the UNESCO benchmark of the funding of education in the country. The budget for education is usually one of the lowest allocations sectorially in our national and states budget. One must be quick to appeal to all the stakeholders in the sector to be prudent in the way allocated funds are used.
8. The cut throat scramble for positions in our institutions of higher learning gives one the impression that it is not all about service. Running for headship of these institutions has gotten to the level of the ridiculous. The indecent life styles of the eventual winners is also worrisome. How do you justify the case of a candidate for the office of vice chancellor, who sold his landed property because he was contesting for that position!!!!
9. The world over, the contributions of wealthy individuals, corporate bodies and trusts to funding of higher education is taken for granted. For our nation's higher institutions to join the league of Ivy League institutions, well to do persons, industries, foundations and trusts must come in to help in funding these institutions. Such funds are urgently needed in the areas of infrastructure and research.

7.0 CONCLUSIONS

In conclusion, it is imperative on the stakeholders to think about what constitutional, institutional, and legal reforms that would be necessary for us to achieve good governance—the kind that would transform, protect, and finally develop the higher education system in this country. There is the need to ensure a mass mobilization of all available human and material resources for development. The future of our country becoming an industrialized nation rests on the shoulders of our egg heads in the higher institutions. To whom much is given, a lot is expected.

The quality of governance should be recognised as fundamental in ensuring the quality of higher education. Good governance should be important as a determinant of the sustainability and strength of institutions.

The market for students is both expanding and changing, while competition from a much wider range of providers becomes more intense. It is within this more demanding environment that the internal governance of higher education is being reassessed. Our institutions need to be able to develop clear organisational strategies backed by decisive and co-ordinated implementation, if they are to survive and thrive. What makes the challenge for the leaders, if anything, more demanding is the inherent nature of a university's mission, as first and foremost a generator of knowledge and a community of learners. Effective leadership must take that community with it; university leadership will fail if it leaves "academic" interests behind. The governance of higher education in the 21st century needs to develop a fusion of academic mission and executive capacity, rather than substitute one for the other. The institutions must develop the capacity to face the challenges of the 21st century with appropriate tools.

Universities are complex organizations as discussed earlier and each part of this complex organization is dependent on the other. What this means is that the university having successful graduates is dependent

on the quality of the teachers and the programs that the university offers. This invariably demands that good governance and democracy be entrenched in our institutions. Kleptocracy, nepotism, cronyism, favoritism, impunity and the culture of cutting corners must be a thing of the past in our universities, if we want to reach the Eldorado of excellence.

Let me draw the curtain on this discourse by directing our attention to what I call the Phil Baty theory on what makes a university nay higher institution reputable.

The universities that are today considered as reputable are driven by purposeful and accountable leadership, outstanding teachers, staff and students, dedicated alumni and Governing Council that assist the university management in achieving the universities' mission and in maintaining its brand. According to Phil Baty, a university's brand and reputation are highly influential in attracting talent, among students and staff. And can influence philanthropy and investment. In many respects, reputation is the currency of global higher education. Luis Maria R. Calingo, set out three of the indices in the following words:

"Perhaps the most authoritative work on creating world-class universities is the one that Dr. Jamil Samli of the World Bank published in 2009. According to Dr. Samli, a world-class university has three distinguishing outcomes: first, highly sought graduates; second, leading-edge research; and third, dynamic knowledge and technology transfer. Dr. Samli attributed these outcomes to three complementary sets of factors at play in these universities. The first factor is a high concentration of talent, consisting of faculty, students, researchers and internationalization. The second factor requires favorable governance features that encourage leadership, strategic vision, innovation, and flexibility and that enable institutions to make decisions and manage resources without being encumbered by bureaucracy. The third factor consists of abundant resources to offer a rich learning environment and to conduct advanced research, with these resources coming from the public budget, endowment revenues, tuition fees and research grants.

According to Dr. Samli, it is the dynamic interaction among these three factors that defines world-class universities." Luis Maria R. Calingo, *Building a World Class University: Beyond The Numbers*.

The above identified indices were also complimented by three others, once again I quote another outstanding academic, Michael Shattock who stated as follows:

"This list is not sufficient and we should add three others: the age of the institution, its physical location and the existence of an external political climate that gives full licence to free expression and academic freedom." Michael Shattock, *Policy Reviews in Higher Education* Volume 1, 2017 -Issue 1

Once again I thank the organizers for inviting me, and thank the audience for your forbearance in listening to me in the last few minutes. I feel highly honored.

THE PROFILE OF YUSUF ALI SAN

Yusuf Ali Esq.: SAN started his early educational life, when he was enrolled in a local Quranic school and in a formal school in 1960. After his primary education, he went to a secondary modern school for three years, he worked briefly before he gained admission to Ibadan Boys High School, Ibadan, where he passed his school certificate with grade one. He was the labour prefect. He again worked briefly as a clerical officer in the old Oyo state Ministry of Finance as a tax officer posted to Igboora in 1977 and at Lagelu Grammar School as a laboratory Attendant in 1978. He gained admission to the University of Ife, now (Obafemi Awolowo University, Ile-Ife) in 1978 and graduated with a 2nd Class Upper Division for his Bachelor of Laws degree. He was a winner of the prestigious Federal Merit Award for undergraduates and a University Scholar while an undergraduate at Ife. He attended the Nigerian Law School, where he also passed with a 2nd Class Upper Division. About a decade after graduation, Yusuf Ali went back to his alma mater for his Masters programme which he completed with flying colours in 1991 when he bagged his LLM. He was appointed by the Chief Justice of Nigeria in 1989, as a Notary Public. He attained the highest professional honor at the Nigerian Bar in 1997, when he was conferred with the prestigious and honorable title of Senior Advocate of Nigeria. S.A.N. Yusuf Ali has been in active legal practice for over three decades.

He joined the law Firm of Adegboyega Awomolo & Co in 1983 and rose to become a partner before he left to found his own law Firm in June 1994.

He is the Principal and Founder of the Law Firm, Yusuf O. Ali & Co, Ghalib Chambers, with offices at ILORIN, Lagos and Abuja with Ilorin as the head office.

Yusuf Ali SAN is a member of many professional bodies such as:

1. Nigerian Bar Association
2. International Bar Association
3. American Bar Association

4. Commonwealth Lawyers Association; among others.

He has won and conferred with many fellowships such as:

1. Fellow of the Chartered Institute of Arbitrators. (FCI Arb) (UK).
2. Fellow Chartered Institute of Arbitrators (FCI Arb) (Nigeria)
3. Member Chartered Institute of Taxation Nigeria (CITN)
4. Fellow Society for Peace Studies and Practice (FSPSP).
5. Fellow Dispute Resolution Institute (F. DRI)
6. Honourary Fellow. Nigerian Mining And Geosciences Society.

Yusuf Ali SAN also served and is still serving on the boards of many Companies and Institutions. He was the Chairman Kwara State Law Reform Committee. He is a member of the Board of Trustees of Al-Hikmah University Ilorin. He was the pioneer Chairman, Council of Public Defenders Kwara state. He is the Chairman Board of Directors Apex Microfinance Bank Ltd.

Yusuf Ali SAN held and still holds many professional offices including but not limited to :

1. Sole Judge of the Kwara State Local Government Election Petition Tribunal 1996
2. Member Kwara State Local Government Election Appeal Tribunal 1997
3. Life Member, Body of Benchers
4. Member National Executive Committee, Nigerian Bar Association
5. Former Chairman and Editor-in-Chief of Nigerian Bar Journal
6. Former Chairman of the NBA Committee on the Rule Of Law
7. Pioneer Chairman, Nigerian Bar Association Section on Legal Practice (SLP)
8. Pioneer Chairman of the NBA Anti-corruption Commission.
9. Former News Letter Editor International Bar Association Committee on Damages and Negligence.
10. Member of Council, Commonwealth Lawyers Association.
11. Member Legal Practitioners Disciplinary Committee of the Body of Benchers.

12. Former Vice Chairman of the International Bar Association committee on Damages and Negligence.
13. He is a member of the NBA ILORIN Council of Elders.
14. He was co opted into the Council of the University of ILORIN in 1995 to probe the bursary of that university.
15. He is a member of the Board of Trustees of the ILORIN Central Mosque.
16. Chairman Alanu Trust Fund of the University of Ilorin Teaching Hospital.
17. He is the former Chairman of UNIOSUN Advancement Office.
18. He is also the current Chairman of the Judiciary Committee of the Nigerian Bar Association.
19. He is the current Chairman of the International Bar Association Committee on Damages and Negligence.
20. He is the Pro - Chancellor and Chairman of the Governing Council, OSUN State University.
21. He is the National Vice President of Ibadan Boys High School Old Students Association.

Mr. Yusuf Ali SAN is a Patron and Legal Adviser to many professional and socio cultural groups all over Nigeria.

He is also an Associate Lecturer, at the Faculty of Law, University of Ilorin. He has delivered more than Two Hundred papers on different and diverse topics at various fora, including the International Bar Association Conferences, Commonwealth Law Association conferences , Annual Conferences of the Nigerian Bar Association, among others. He had contributed more than 17 Chapters to various legal books and has to his credit more than 40 published learned articles in learned journals in the field of litigation, Commercial Law, jurisprudence , practice and procedure, constitutional law, in local and international law journals. He had represented many state governments, high net worth Individuals, Corporate and Institutional Clients before all the superior courts of record from the high court to the Supreme Court in many landmark cases.

Yusuf Ali has been awarded more than 250 honours from within and outside of Nigeria. He is listed in the American Biographical Institute's Who is Who, as well as in Nigeria's Who is Who.

A few of the over 250 awards conferred on him are:

- (A). Lifetime Achievement Award by the Governing Board of Editors of the American Biographical Institute
- (B). West Africa International Golden Award for Excellence in Enterprise
- (C). Award of Excellence presented by AIESEC ILORIN
- (D). Award of Excellence as a Doyen of Legal Luminary in Nigeria by Nigerian Vogue Magazine.
- (E). Special Award by Federation of International Women Lawyers KWARA State.
- (F). Award of Excellence by the National Association of Muslim Law Students, National Headquarters, Abuja.
- (G). Distinguished Personality Award presented by the Faculty of Law, University of Ibadan
- (H). Merit Award by the Nigerian Institute of Management, Kwara State Branch
- (I). Award of Excellence by the National Association of Polytechnic Students
- (J). Award of Excellence by the Students' Union of the University of Ilorin
- (K). Award of Exemplary Leadership and Service by Rotary Club, Ilorin
- (L). Merit Award by the Ibadan Boys High School Old Boys Association
- (M). Merit Award by All Nigeria Confederation of Principals of Secondary Schools, Osun State Branch
- (N). Kwame Nkrumah Leadership Award of 2010 Africa Legal Icon by All Africa Students' Union
- (O). Award by the NBA Women Forum for Immense Contribution and Activities to the Forum
- (P). Police Friendly Award 2009 by the KWARA State Police Command

- (Q). Kwame Nkrumah Leadership Award on Education Per Excellence/Icon of Societal Development by the West African Students' Union
- (R). Commander of Great IFE . (COI) by the OBAFEMI Awolowo university National Alumni.
- (S). Honorary Degree of Doctor Of Letters (Honoris Causa) of Al HIKMA University .
- (T). Honorary Fellow Kwara State Polytechnic (Honoris Causa).
- (U). Award of Excellence as Icon of Greater Nigerian by National Association Of Nigerian Students (NANS).
- (V). Jarman Matasan Arewa Najeriya by Northern Youth Council Of Nigeria .
- (W). Honorary Degree of Doctor of Letters (Honoris Causa) of Fountain University, Osogbo.
- (X). Award of Recognition by Ibadan Boys High School Old Students Association, Ibadan.
- (Y). Award of for selfless service and immense contribution to the promotion of peace and stability in West Africa, by West African Network for Peace Building, Accra Ghana.
- (Z) Award of recognition as an accomplished professional by the Government of Kwara State at the 50th year celebration of the State in 2017.

He is very passionate about philanthropy and using the vehicle of YUSUF ALI FOUNDATION of which he is the Founder and sole Financier so far, he had intervened in many public institutions by donating:

- (a). A Twin Dormitory of 40 bed space to the University of ILORIN.
- (b). An Eighty bed Hostel to the OSUN State University.
- (c). A Ten Bed well equipped Advanced Trauma Centre to the University of ILORIN Teaching Hospital.
- (d). Thirty unit ICT center to the Faculty of Law OBAFEMI Awolowo university ILE IFE.
- (e). Thirty unit ICT center to the College of Law, Crescent University ABEOKUTA OGUN state.

- (f). Endowment of the Crescent University College of Law Building.
- (g). Forty unit E Resource' center to the KWARA State polytechnic , ILORIN.
- (H). A brand new Kia Rio 2014 Model to the University of Ibadan for the use of the Department of Arabic and Islamic Studies of the university.
- (I). Donated a Twenty Room Luxirious Hostel to Fountain University, Osogbo.
- (J). Contributions to religious causes.

In the recent past, in order to enhance the work of the KWARA state police command, he donated a well equipped patrol van and some units of motorcycles to the Kwara Police Command.

The YOA Foundation does a lot of other charity work, like award of scholarships to indigent students in secondary and tertiary institutions both in Nigeria and outside, provision of wells and boreholes to communities, medical financial assistance to patients both within the country and outside and the development of literary awareness in secondary schools all over the country by entering into an annual sponsorship with the Association of Nigerian Authors.

He is the Author of the book: Anatomy of Corruption In Nigeria : Issues, Challenges And Solutions. Yusuf Ali is a well travelled man and has visited all the continents of the world for professional and educational purposes.