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#### RESEARCH ARTICLE

# LEGISLATORS' ROLE IN PROBLEM IDENTIFICATION AND AGENDA SETTING IN PUBLIC POLICY PROCESS IN NIGERIA.

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### Abstract

The legislators are a very important institution in a democratic system or society. They are responsible for collation of the needs, interests, goals, problems and ideas of the citizens through public policy process. They present these needs, problems and interests of the citizens to government by having deliberations with their constituents to know their policy preferences and present them for public actions. Several policies targeting peoples' needs especially poverty reduction and security challenges have been implemented by the government with minimal impact. This raises issues on the processes of problem identification and agenda setting in public policy making in Nigeria, with allegations of legislators being disconnected from their constituents. The study adopted phenomenological approach and indepth interviews were conducted with twelve national assembly members, five officials of CSO's and twelve constituency members. Data were analysed using ATLAS.ti 8 software and interpreted using hermeneutic approach. The study found that the processes of problem identification and agenda setting were defective in Nigeria. Whereas the legislators claimed they consulted their constituents regularly to identify problems, the constituents and officials of CSOs, claim they only meet with the legislators during the period of electioneering campaigns ahead of general elections. The study legislators should hold regular consultation with their constituents so as to articulate the demands, needs and interests of the people and be able to put them on the agenda for policy processes.

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# Introduction:-

A public policy is a government action directed at solving a societal problem and the outcome will depend on the commitment of the actors involved in the whole process which will entail the effectiveness and how efficient their contributions and roles are in the whole process of the policy making. Citizens are often affected in different ways by public policy and the ability of policy actors to identify the different problems of each segment of the society is of great importance. Agagu (2014) opined that, democratic governance is now a preferred system of government in many parts of the world and most developed societies now operate democratic system of government which provides them with the guidelines and fundamental principles that guide public policy process. For example, public

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policy process in the United States involves the Congress, and the citizens have various avenues through which they can participate in their different capacities. Although many African countries have also resolved to take joint responsibility to promote and protect democracy by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels, democracy is still a matter of great concern in many of the African nations.

The process of policy making (which is a major factor in democracy) in many parts of the African continent has long been dominated by a 'top-down approach' which can be attributed to either the long period of military regime, apartheid, dictatorship, authoritarian one party system or tracing back to history to the many years of colonial dominance in the continent (Obasi & Lekorwe, 2014). Although many of the nations in the continent are no longer under military regime or apartheid and many have gained independence, some of the African countries are still faced with lots of constraints that impinge on public policy processes. A number of inherited challenges continue to affect public policy process in many parts of the continent. These challenges range from environmental to social, political, cultural factors, economic, racism, ethnicity and religious factors.

The legislators are a very important institution in a democratic system or society. They are the institutions constitutionally charged with the responsibilities of making laws for the nation, conducting oversight function and performing a representational role of the citizens. They are responsible for collation of the needs, interests, goals, problems and ideas of the citizens through public policy process. The legislative arm of government helps citizens to participate in governance and have the opportunity to make their voices heard in government (Hai, 2013). They present the needs, problems and interests of the citizens to government by having deliberations with their constituents to know their policy preferences and present them for public actions. They also represent the government before the citizens by letting the people know what the programmes, plans and actions of government are at every point in time. They ensure that citizens are aware of what a government can and cannot do concerning an issue.

Legislatures can ensure greater accountability and transparency in issues of implementing national or public policies as this is in line with their three (3) main functions which are – legislative, oversight and representative. These roles as observed by Kapur (2015) explain the legislators as the representatives of the people in the bid to express the will of the citizens. According to Ojo and Omotola (2014), legislatures in many of the African nations like Nigeria are often faced with many challenges such as, not having adequate knowledge or information of an existing problem/policy, division among the legislatures along party line, most elected political office holders do not see their positions as service to the nation but as one to enrich themselves, the executives in many of the developing nations take charge of the legislative roles.

Universally, the process of policy making requires a long period of deliberation and considerations which arise from many interest groups. It also involves a lot of factors and is often influenced by decision makers in the nation. In every society, basically that which government decides to do or decides not to do is referred to as public policy and its impact on the people. The process begins with identifying the problem, suggesting ways and plans of dealing or solving the problem and reviewing the implementation strategy. The focus of public policy is proposing ways to address a problem that affects a general public be it at the local, state or federal level. In addition, public policies are supposed to reflect the interests and needs of the citizens that are to benefit from the policies. However, countries differ in some ways in the way they formulate and implement policies (Popoola, 2016).

Public policy for example is dependent on the environment and the culture of the people which varies from one society to another. According to Agagu (2014), Nigeria has often been affected by both its domestic and international environments. Factors such as ethnicity, religion and regional divisions as well as the adversarial elites have continued to pose serious challenges on public policy formulation and implementation in the nation. Observing further, Agagu (2014) stated that the various public policies in the nation viz-a-viz the extractive, distributive and regulative are always seriously contested. Many a time, the government and the citizens are at loggerheads with one another as the people want one thing and the government is doing something else. This is because most of the times, the middle men (the legislatures) who should discuss policy issues with citizens are too engrossed with some political factors which might impinge on effective policy process and outcome.

The study will thus examine if the legislatures are performing their constitutional roles in public policy processes in Nigeria. The objective of the study is to examine the factors that affect the role of the legislatures in policy process.

To evaluate what the characteristics of the legislatures are and examine empirically if the legislatures are actually performing their roles in public policy process.

## Literature review Problem Identification

According to Heywood (2007), this is the stage where certain issues in a society are defined as problems and how these problems or issues are to be solved are identified. This can also be referred to as problem definition and Menon (2014) asserted that the starting point of policy making or process is being able to identify what the issue to be addressed is. He went further to explain that as easy as that seems in theory, identifying the issue to be addressed might not be that easy in reality. This is because what some refer to as problem might not be considered as a problem by others. This will then pose problem for policy makers. For example, certain group in a nation might complain about free roaming of cows in the city and might call on government to find a way stop it, other people might think this is not a problem and that government has greater problems to deal with than such. According to Leone (2018), problem identification is the first stage where the problem which seeks solution is clearly defined. A policy is developed or formed due to an existing problem either concerning a certain group in a society or the generality of the citizens in a country.

According to Palaopa (2013), identifying the problem involves studying the problem and its causes. For example there is a problem of famers and herdsmen clashes in Nigeria which continue to claim lives and this is a problem that the government of Nigeria is trying to find a solution to. This is the stage according to Fasipe (2015) where some vital questions that are germane to the policy process will be asked. Such questions include which groups or members of the society are affected by the problem identified or if it affects every segment of the society, will a single action bring relief and will government intervention be effective. Mintrom (2019), collaborated the position of Fasipe in stating that at this stage, other questions such as 'where the parties affected by the problem are identified', where the resources that will be needed to resolve the problem will be considered, where the quality of evidence concerning the problem and possible solutions are highlighted and where those who will be engaged in the solutions are also identified. It is important to find out if the citizens are aware of the issue and decide those who will be involved in the policy process. This is the stage where after recognising that an issue exists, policy makers will study the problem and its causes, decide the resources that are needed to fix the problem and what method or means to fix the problem and then find those who can proffer solutions to the existing problem.

As observed by the Division for Public Administration and Development Management (DPADM) of the United Nations Department of Economic and Social Affairs (UNDESA) of 2013, countries all over the world are facing increased complexity in development challenges and are getting to recognise broad public participation as a fundamental prerequisite for the achievement of sustainable development and since public policies are directed at solving societal problems, it is important for government to be attuned with those problems before embarking on steps to resolve them. In view of this, government officials and policy makers before formulating any policy will be expected to carry out thorough investigation as to what is needed to resolve the problems within the environment, the possible alternatives, the available resources and those that will be involved in the policy formulation and implementation. As a response to these concerns, the United Nations (UN) has pinpointed democratic and participatory principles and practices into its capacity development programmes. To this end, the DPADM has called on interested governments of developing countries in their programmes and projects to empower their citizens to participate in the policy design and in the decision making process promising to support such countries.

According to Mintrom (2019), key considerations of the problem identification stage is to identify the current policy settings, identify the parties affected by the problem that need to be solved, the resources that are needed for the resolution of the problem, what the problem is all about, quality of evidence concerning the problem and possible solutions and what are the existing solutions mechanisms on ground. Anderson (2011) explained that some problems might get the attention of the government while others might not. That is some problems are acted on and others are neglected and some problems are identified in one way rather than another. For example, some problems have been identified in Nigeria as those that urgently need government's attention like child trafficking, insurgency, unemployment and herdsmen and farmers' clashes.

Conditions that identify an issue as a problem: Before a situation can be identified as public problem that would need governmental interventions, they must possess some conditions. Such conditions according to Eneanya (2016) must be identified as problems that affect either a group, community or the generality of the people before they can

be placed on policy agenda. For example according to Anderson (2011), there must be a value or standard by which the troubling condition is judged for it to be unacceptable by the society or people. For example, the issue of cattle destroying people's farms and cattle' rustling have become an issue of great concern to the people of Nigeria and have become an unacceptable condition which people called on the Nigerian government to address.

Other conditions which can be identified as problems are the plaguing living conditions of an average person in the African continent where poverty is endemic, unavailability of health care facility that is readily affordable for the common man, the declining public education sector and general state of public infrastructures in the African continent are all of major concern and have been identified as problems affecting the continent.

#### **Agenda Setting:**

According to Cochran, Mayer, Carr, and Cayer (2009), agenda setting is a political process where groups struggle for power to control the agenda. Everyone that is involved in the policy process want their issues given the attention they believe the issue deserve. This is the stage where according to Shafritz, Russell and Borick (2016) ideas or issues are brought up through various political channels for considerations. At this stage from the literature reviewed, professionals that will be engaged in seeking solutions to the identified issue or problem are expected to come up with ideas. The executive and legislators according to Shafritz, Russell and Borick (2016) are the two greatest sources of agenda items and their constituents expect that they will seek the enactment into law those policies they advocated in their campaigns for elective offices. At this stage all parties including interest groups are expected to play key roles. For example according to Heywood (2007), opposition parties at this stage may also develop alternative policies in their attempt to appear to be viable parties of government contrary to those of the ruling party. The agenda setting process often makes extensive use of the mass media to take a relatively unknown or unsupported issue and through publicity, expand the numbers of people who care about the issue so that an institution is forced to take action.

Anifowose and Enemuo (2015) explained that agenda setting stage is the stage when officials that are involved in the policy process will narrow down the number of subjects which come to their attention to the set which will ultimately become the focus of their attention. Eneanya (2016) listed how issues get to agenda status:

Interest groups strive to place issues on an institutional agenda, especially issues that affect them. They lobby legislative and executive arms towards the issues;

Political leadership is another important factor in setting agenda. Political leaders whether motivated by thoughts of political advantage, the public interest or their political reputations may seize upon problems and publicise them and propose solutions. The president can use media briefings, budget presentation and special messages to set legislative agenda;

More frequently, court decisions interpreting and applying legislation may trigger legislative responses to overcome their effects;

Items may achieve agenda status and be acted upon as a result of some sort of crisis, natural disaster or sensational events, such as hurricane or airplane disaster, flood and other crisis. Such issues serve to dramatise issues and attract wide attention, causing public officials to feel compelled to respond; and

Protest activity or strike which may include actual or threatened violence may bring some problems to the attention of policy makers and put them on policy agenda.

Mintrom (2019) summarised these factors under agenda setting to mean the followings: that they are government priorities, different groups are brought in for the purpose of discussing the issue or problem so as to proffer solutions, the professionals brought in must be committed in seeking solutions to the problem or issue, the strength of the policy argument is evaluated and so is the evidence of the workability policy options. The agenda setting stage according to Macedo de Jesus (2010) is the stage that policy makers begin to prioritize issues that can be divided into two different types of agenda - the public and formal. According to Aiafi (2017), issues that enter government agenda to become public policies usually come from the top. Eneanya (2016) explain this to mean that before a policy can get to the agenda stage, policy makers will first convert the problem into a public issue that requires government attention. This can be of two types: systematic and governmental or institutional agenda.

According to Eneanya, systematic agenda are those issues that are commonly recognised by government as worthy of public attention and involve matters within the legitimate jurisdiction of government. According to Heywood (2007), institutional agenda are those issues that are brought to the notice of the representative institutions by different groups and sections of the society through interest groups, the media, the citizens and different communities representing private and public sectors. Bernstein (2017) added two more types of agenda to the ones listed by Eneanya as Discretionary agendas and Decision agendas. Bernstein explained that Discretionary agendas are those agendas that address problems chosen by legislators that have not necessarily made it to the ones mentioned before. Decision agendas are the finalised list of issues to be moved to the next phase of the policy making process. Mintrom (2019) listed some key considerations to agenda setting. These are: government priorities and fiscal situation. Anderson (2011) posited that in order for an issue to attain the formal agenda level, there must be four relevant factors that play important role and they are: problems, politics, visible and hidden participants.

Hallsworth, Parker and Rutter (2011) posited that most policy processes often underestimate the value of policy agenda setting or design. According to Heywood (2007), policy process can be stifled by a paucity of policy proposals and innovative ideas. That is, there can be too few policy inputs which can bring stagnation and paralysis and the other weakness relates to the opposition problem which might come from interest group demands which can outstrip the capacity of government. Policy design will help to ensure that the planned actions of the policy will bring a realistic and feasible means with which to achieve the goals and objective of the policy. Policy design which is also termed as policy agenda requires an extensive and rigorous system in order for the policy process to be successful. Anderson (2011) explained the process of agenda setting through the diagram below.

# The obstacles to effective representative role of legislators in problem identification and agenda setting of public policy

Many of the developing countries still have great challenges in their ability to formulate and implement developmental policies that can change the lots of the citizenry. This on one hand can be attributed to weak institutions, lack of accountability and transparency of government, absence of responsibility of government and on the other hand as Roux (2012) puts it, lack of nexus between government officials and the citizens. For, there is need for the citizens to be provided with valuable information for the development of public policy and who else can provide these valuable information if not the representatives of the people (elected and appointed). Other factors include the followings:

Public opinion: The public might have a different opinion other than that of the government and as such might protest against that which the government has formulated or about to formulate. According to Hallsworth, Parker and Rutter (2011), different groups in the society have roles to play in public policy process and they must all be carried along from the onset of the process so as to have the support of every of the stakeholders. For example, when a group (let us say interest group) is left out of the policy process, the group not knowing the direction the policy is moving to, might become a stumbling block for the policy implementation. In addition, the public might use either protest or strike to register their stand on government's action. For example, students of the university might kick against increase of school fees or on a particular government policy affecting their university or studies if the government does not inform the students ahead the reason for the increase or the direction of the policy. Chand (2012) posited that in a democratic setting, every citizen has something of value to contribute and as such no citizen should be deprived from stating their opinion. Citizens and indeed a community will suffer if government restrict the liberty of the formation and expression of their opinion. Therefore, government at all levels should not control the opinion of citizens rather government should allow citizens to contribute to governance by allowing the people to freely express what they feel or think.

However, according to Aliyu, Ikedinma and Alabi (2018), policy makers often ignore public opinions for often citizens are not carried along in public policy processes and programmes. The elites in the society often hijack the opinion of the public for their own personal interests. As opined by Eneanya (2016), in developing nations, since there is no strong synergy between the citizens and government, most policies emanate from the political system rather than from the citizens and this often results in the citizens not giving their full support on programmes and activities of the government.

Lack of involvement of all stake holders in public policy process: Generally speaking, participation of all stake holders in public matters is an evident of good governance. Many countries within and outside the African continent are also now realising the importance of inclusive governance as an important element of democracy. Literature

reviewed show that the failure or problems of policy formulation and implementation in many parts of Africa can be traced to lack of sufficient public information on the substantive and procedural aspects of the policy process coupled with challenges faced by policy makers in public policy process. This is because many of the nations in Africa are yet to have inclusive policy process method. For policies and programmes to be effective and successful, there is need to involve all stake holders so as to have their input and contribution in the decision making. The advantages of participatory policy process are numerous and they include the followings. It helps government to get information that might not have come up through scientific analysis of data; it gives opportunity to government to achieve its main goals of knowing the government priority at a particular time; it gives opportunity for government to know the acceptable policies and programmes by the citizens. It is also a way of allowing citizens to know governmental plans, projects and programmes. Additionally it helps in achieving sustainable development projects. The stake holders include people from different groups of the society. They include the ordinary people on the street, business people, market men and women, students, religious groups, school owners, non-governmental agencies and organisations, residents' associations, non-government organisations, public and private sectors workers, researchers from different organisations and heads of communities. The absence of these people in decision making process can affect political process and thinking and the exclusion of people in public policy process has consistently affected policy outcome (Ross, 2012).

Political culture: According to Hallsworth, Parker and Rutter (2011) governments are formed through different political parties that won majority votes in the general elections. The implication of this is that members of the ruling party and opposition parties will always be in constant squabbles. Anderson (2011) explained that, every society has a culture that differentiates its members' values and lifestyles from those of other societies. He explained culture quoting Clyde Kluckhohn (1963) as "the total life way of a people, the social legacy the individual acquires from his group. Or culture can be regarded as that part of the environment that is the creation of man". Political culture here are those widely held values, beliefs, attitudes and orientation (knowledge) people have on what governments should do, how the society expects government to function and the relationship between the government and the people.

Aisen and Veiga (2011) stated that political instability affect economic growth which often leads to frequent switch of policies, creating volatility and eventually affecting macroeconomics performance. They added that political instability shortens the horizons of governments and disrupt long term economic policies that would have resulted in a better economic performance. According to Onah (2010), a major problem affecting developmental programmes and policies in Africa, is political instability or change in regime. Anifowose and Enemuo (2015) explained that some other political factors that affect policy and programmes in developing nations among others is, political consideration in the utilization of manpower in the sense that critical positions where policy decisions are taken are often filled based on political grounds choosing or appointing those who may have little or inappropriate knowledge of the process. Also, most of the nations in this category suffer from severe/acute social indiscipline such as corruption, lack of obedience to the rule of law (even by the leaders), lack of means of enforcement of the law and total abuse of power. In addition according to Agarwal (2014), the orientation people have within the political system may have three distinct dimensions which are cognitive, affective and evaluative.

In the words of Agarwal (2014), there are different kinds of political culture. The parochial political culture – that is where the people have no understanding of the nation's political system. According to Anderson (2011), some of the implications of these differences are that in a parochial culture, there is no citizens' participation in policy formation because they are not interested in participating in the input processes and do not have any understanding of the output processes. Many African nations fall into this category where the people do not think they have any role to play in political system and government and governance matters little to most citizens. Another type of political culture is the subject political culture – where there are subjects and monarchies. In this system, the people are aware of the government and the ways laws are made, the system of tax collection and how decisions are made but they cannot do anything about the style of governance neither are they allowed to participate in decision so they cannot participate in the political culture because they see their leaders as those who know it all. The other type is the participant political culture – where the citizens are quite interested in the way they are governed and are willing to participate in the political system and influence decision processes. In this political system, there are different groups that come up to represent the people and ask questions on how and what government decisions are. Such groups are pressure groups, interest groups and political parties.

Lack of professional skills: Some legislators in Nigeria lack the professional requisite for law making and other functions of a legislator. They lack the intellectual depth and technocracy needed to tackle the complex problems of modern day societies and governance (Popoola, 2016). Some of the legislators have little or no understanding of the weight of their assignments and are not well positioned to meet the increasing demands and need for political expectations. Some legislators display so much embarrassing level of ignorance of legislative process, which prevents them from being able to contribute meaningfully to the process of law making in the House (Ewuimi, Nnamani & Eberinwa, 2014).

Corruption: Since the return to democracy in 1999, Nigeria had gained notoriety as one of the most corrupt countries in the world. A great deal of mismanagement of resources at all levels of government. Combating corruption and checking abuse of office is a responsibility which the National Assembly has been saddled with as stipulated in the Constitution (s.81) which is in accordance with the power of appropriation. In the Constitution, it is expected that "no money shall be withdrawn from the Consolidate Revenue Fund or other public funds of the Federation without the authorisation of the National Assembly (Dibie, 2014; Ojo and Omotola, 2014). However, Nigerian legislators have fallen short in this regard as high profile corrupt cases have been linked to many legislators in the National Assembly. The legislators who have the Constitutional and institutional power to fight corruption have been neck deep in corruption and this is evident in the anticorruption bills in the National Assembly that the legislators have given low attention to.

Personal interest of legislators: In many developing nations like Nigeria, the executive control most of the nation's resources and as pointed out by Popoopla (2016), the executive has enormous funds and facilities which make the other arm of government to depend on them. According to Ojo and Omotoal (2014), the relationship between the executive in Nigeria and legislators has always been of dominance and antagonism. Where there are differences in vision and philosophy between the executive and legislators in public policy, there will always be clash. The legislative arm has also always tries to assert its independence and control over the executive. Another important challenge of the legislators in respect with the executive is that the oversight function is one which has continued to cause serious friction between the two arms. Legislators in Nigeria while performing their constitutional mandated role of oversight have had face-off on several occasions with the executive.

Lack of political will: Commitment is important not only at the problem identification level, but also there must be commitment by all those who are involved in the policy process and at all stages. For only then will the policy scale through and the outcome successful. According to Eneanya (2016), lack of political will often leads to jettisoning of otherwise well-formulated policies. Many a time, as pointed out by Aminu, Tella and Mbaya (2012), beyond the rhetoric of crating public policies, establishing the mechanisms to achieve a favourable policy outcome is the problem of policy makers in Nigeria. This means, the will power to ensure that such policies achieve their intents and goals always seem difficult for many policy actors including the legislators.

Lack of effective representation channel or avenue by legislators: Many legislators in Nigeria though have constituency offices, but only very few of them make use of them in the way and manner they ought to. Many legislators do not run operational constituency offices even though there is financial provision for this purpose. They sometimes only use the offices for campaign purposes for re-election using poverty alleviation materials like buying sewing machines, hairdresser equipment, giving financial support to local notables like traditional rulers and using their personal resources to finance developmental projects like boreholes, health centres and access roads. Another challenge as per constituency offices is that many constituents bring personal problems, particularly financial problems to the constituency offices expecting the legislators to help them resolve them. This is because poverty is so endemic in the land and instead of the constituency members to use the office of the representative to ventilate societal or communal problems, they see the offices as avenues to lodge personal problems (Guide to effective Representation, 2018).

## **Conclusion:-**

From the on-going discussion, the study has shown the importance of deliberations, agreement and nexus between the three arms of government, between government institutions and between government and the citizens. The overall conclusion from the foregoing therefore reveals that the legislators have not lived up to the expectation of Nigerians in terms of their contributions in public policy processes. The legislators have not performed in policy decisions in the interests of the citizens that elected them. The study also revealed that though public policies in Nigeria are often well written there is still the problem of implementation and this is because the legislators do not

involve every policy actor that should be involved in the policy process. It is expedient for legislators to identify problems, study the issues and problems, engage members of the public to be able to receive their inputs, formulate policies on these issues to resolve the identified and approved solutions designed for the problems.

#### **Recommendations:-**

Based on the findings mentioned above, the study thus makes the following recommendations:

Lawmakers should frequently meet with their constituents through town hall meeting, in order to be able to aggregate their needs and demands which would form part of the problem identification and agenda setting of the policy process. Legislators must not only be seen when they need votes from the electorates but they must carry the people along in government programmes, plans, activities and policies.

Lawmakers should build synergy through collaboration with other stakeholders in the society such as NGOs, civil society groups, the media and other professional groups in the society to facilitate the adoption of policies that would address the needs of the citizenry. Legislators must work with other policy actors, government officials (both career and appointed) and think-tanks in order to have a successful policy process.

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