CHAPTER ONE
NATURE OF THE STUDY

Introduction

Nigeria and South Africa are viewed as two of the continent's must powerful nations. The reason for this is that both nations have played, and continue to play, prominent roles with regard to pushing the African agenda on international platforms through their committed leadership in the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), and the New Partnership for Africa's Development (NEPAD) initiative.

The NEPAD vision (which is a result of the merger of the Omega Plan and the Millennium Partnership for African Recovery Programme) arises from a mandate given to five initiating Heads of States, among them-Nigeria and South Africa. This drive to re-energise the African forums is directly related to the fact that despite Africa's abundant resources (human and natural)*,* it can be argued that the African continent is riddled with governance challenges, which has developmental implications for the peoples of Africa. Although much of the blame could be laid at the doorstep of the coloniser, it is important to emphasize that, the reshaping of the continent's future rests on Africans who must strive to turn policies around for the better. In this regard, new initiatives aimed at ensuring that Africa's dormant potentials are fully actualised have led to debate and dialogue on the most recent platforms dealing with issues and programmes for African renaissance. The African Union (AU) has played and continues to provide vital leadership in recent times as Africans recognise the urgency for Africa to take control of her destiny and claim her place on the world stage. One of the areas that could be turned into a possible opportunity for effectiveness in government

and the deepening of democracy is the management of Intergovernmental Relations (IGR) in the governance of any given state.

In this study, Public Administrative approaches that underpin the management of intergovernmental relations from an international perspective, with particular insights from the African continent are discussed. Lessons from Nigeria and South Africa will be shared, with a view to deepening understanding with regard to how Public Administration approaches can be efficiently and effectively utilised in the management of intergovernmental relations systems such that it further facilitates the achievement of governmental goals. The research therefore explores the current intergovernmental relations framework in the selected countries, including policies and structural mechanisms with a view to determining the extent to which these have been anchored in Public Administration approaches (as well as the consequences thereof).

Crucial to this research is the national context, which allows the researcher to show and to harness specificities and so avoids what Tshikwatamba (2004: 256) terms dysfunctional claims that could result when a neutral approach is adopted. The reflections in this study highlight issues for consideration in the management of intergovernmental relations in the unitary system as well as in the federal system of government. Nigeria is a federal state while South Africa is largely a unitary state. These two countries have been selected as they provide different governance systems, in terms of the model of state organization adopted. The fundamental difference with regard to the organisation of the state provides ample opportunity for the researcher to engage in issues that may be system specific. And as noted by Ile:

> "the very nature of administrative arrangements suggests that the form of centralisation or decentralisation of power to constituent units, regions or states is a fundamental issue for all societies, as this has implications for the machinery of government. The federal system, a devolved form of government with varying

degrees of regional autonomy, suggests that a greater level of co-existence will be achieved but this is not always the case as complexities in the management of various phenomena … are bound to arise" (2004: 607).

The country specific contexts provide for the analysis of governmental structures, key administrative functions, historical considerations, and emerging trends in the management of intergovernmental relations between spheres and levels of government for administrative optimization. Underlying patterns from the selected countries enable the researcher to gain insights into the opportunities and limitations that may exist; and where possible comparisons are drawn with a view to harnessing alternatives and possibilities.

The histography of the selected countries (Nigeria and South Africa)

The twentieth century states in Africa are an amalgamation of several nations that in specific instances may have been created for purely organizational reasons (such as the Republic of South Africa and Nigeria). These countries were primarily made up of several former 'kingdoms' that were distinct, but were put together in a melting pot termed a state. The degree to which they have been able to attain the desired 'statehood' has varied from country to country and this has impacted on governance in specific countries. In this section the researcher briefly introduces the countries that make up the major sites for the research. A more in-depth profiling of the selected countries is detailed in Chapter Four as the contextual issues are being engaged.
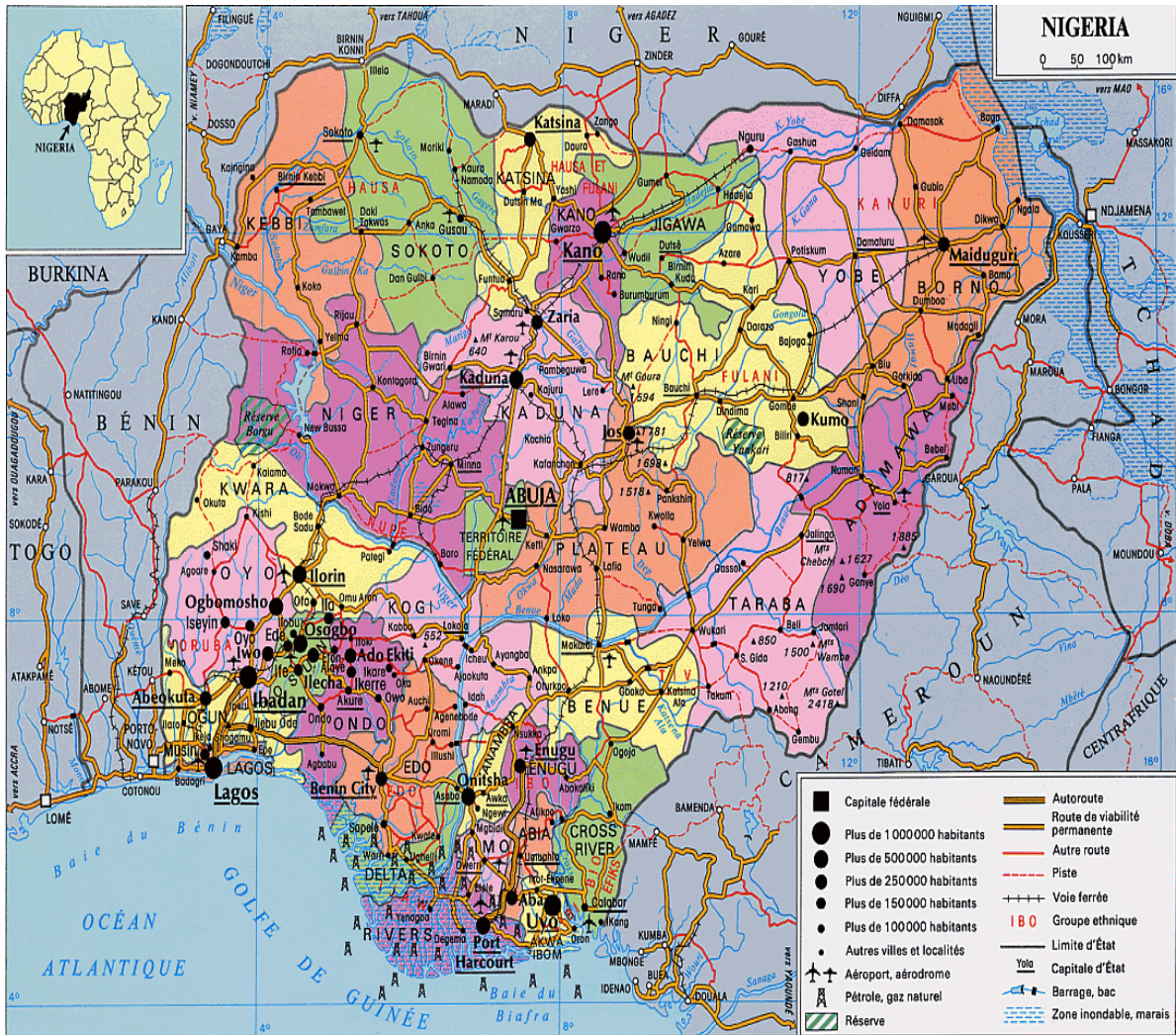
Nigeria

Present day Nigeria consists of three colonial territories namely; the Colony of Lagos, and the Northern and Southern protectorates. In 1906, the Southern Protectorate and Colony of Lagos were amalgamated and subsequently in 1914, all three (Lagos, Southern and Northern Nigeria) were amalgamated to form the Protectorate of Nigeria under one administrator. Although supposedly a political fusion, as Elaigwu (1994: 226) notes, the British, like most

colonial administrations, did not give thought to the form of administration that would best suit the people in the territories. Thus, the former colonies of Northern and Southern Nigeria were administered separately. With the dawn of independence and the scramble for political control, this system promoted interpersonal rivalry, intertribal rivalry, regionalism and ethnicity at the expense of nationhood.

For most Nigerians, the experience of federalism (with several states and each with a government apparatus - see map below) cannot be truly supported as one of choice but rather one that has been imperative for peace. This can be attributable to the incomplete and rushed metamorphosis from a unitary state into a federation. A situation which warranted the strengthening of governance systems (including intergovernmental relations), but which may not have been vigorously pursued, despite this shift towards federalism. The reality tended to promote a stronger ethnic identity and a weaker nation-state identity further suggesting that the management of intergovernmental relations, in Nigeria, is a critical block to success in the governance realm.

Two subsequent attempts at democratic government after the demise of the first republic have been made to contain tensions that have been so deep in all facets of citizen life including the public service. With the role that intergovernmental relations could play as a facilitator of the achievement of governmental goals and objectives, could it be that this will provide the opportunity to manage and contain intergovernmental tensions? In this regard, the question that remains to be answered is: Has enough been done to utilise public administration approaches as strategies for building a stronger Nigerian state?

Map 1.1 Map of Nigeria

Source: www.izf.net/documentation/cartes/pays/supercartes/Nigeria.htm. Accessed: 22 November 2005.

South Africa

South Africa is a country torn by racial divisions as a result of the Apartheid system of government that promoted the interests of a few at the expense of the majority of its people. The South African liberation struggle, like most other liberation struggles, had an underlying class issue although this class struggle was distinctively along racial lines in which the whites were economically stable and the blacks were poor. However, in an attempt to attain complete freedom, an intrinsic part of the struggle was to emancipate previously oppressed groups (with a view to building a new government) in the form of a participatory democracy. One of the aims of the new democracy was to address the class and racial

divides, hence it can be said that the removal of political and economic inequality was primary and overriding in the South African state (Ile, 2000: 16).

With the first democratic government being formed after the 1994 elections and with the establishment of a democratic system of government through a peaceful process, transitional mechanisms were put in place with the drafting of the South African constitution that enabled a truly democratic government. The constitution has been hailed as a masterpiece and seeks to enable the achievement of governmental goals, including cooperative government. In this regard, the constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 3) provides for an intergovernmental relations system that seeks to improve coordination and alignment.

The extraordinary success in the evolution of the South African democracy could be as a result of the cohesive and participatory nature of the processes that are based on the African philiosphy of "*Ubuntu*", meaning "a person is a person through other people" (Mbeki, www.southafrica.info/ess_info/sa_glance/demograhics/ubuntu-260905.thm. Accessed: 2 May 2007). This underpinning philosophy of *Ubuntu* underscores the importance of agreement by consensus. African traditional culture, it seems, has an almost infinite capacity for the pursuit of consensus and reconciliation. Democracy in Africa should not simply be viewed as majority rule but one that operates in the form of discussion or consensus. The challenge, therefore, of building democracy in South Africa twelve years after independence still includes how best to manage institutional interactions within the intergovernmental relations framework and to build a new public service that is community and delivery-oriented by recognising that South Africans must continually seek to build consensus. This emphasises the responsibilities of all to work together in order to achieve desirable societal goals in the vast South African nation state, with nine provinces (see Map below).

Map 1.2 Map of South Africa

Source: http://www.lib.utexas.edu/maps/africa/safrica_provinces_95jpg Accessed: 22 November 2005.

Rationale of the Research

Nigeria and South Africa provide the context for this research. Nigeria's commitment to peace and development in the West African regions has seen the country invest human and material resources in a forum (ECOWAS), spear-headed by one of Nigeria's previous Head of State, General Yakubu Gowon in 1973. To date, issues around the promotion of good governance, peace and security, and economic integration have remained prominent on the ECOWAS (Economic Community of West African States) agenda. At the dawn of democracy, South Africa became a regional power, and acceded to the SADC (Southern

African Development Community) Treaty on 29th August 1994 and became a member. This provided an opportunity to tackle a wide range of issues, including regional economic growth, collaboration, peace, democracy and good governance (Department of Foreign Affairs, 2004: 1-5). In the South African Development Community, South Africa has played a significant role in shaping the vision especially after the release of Nelson Mandela and other political prisoners in 1992. This brought about a renewed energy and the outcome was a reviewed focus of what was previous known as SADCC (Southern African Development Co-ordination Conference) to what is now SADC. Currently, South Africa still continues to play a strong role under the current leadership of President Thabo Mbeki.

Given the important roles that both countries play in their respective regions, the extent to which they are able to deliver services to their people could provide an opportunity for lessons to be learnt about successes as well as challenges. Some of the areas for in-depth inquiry in the field of public administration include power-sharing, decentralization and intergovernmental relations. The United Nations Development Programme (2002: 67-68) notes that in order to bridge the gaps in democratic practice, one solution is to decentralize power to lower levels of government, bringing it closer to the people, but this requires strong structures and state capacities (intergovernmental relations) to control, monitor and evaluate various activities. Despite the important role that intergovernmental relations can play, it has been pointed out that enhancement of institutional and governmental relations has remained a challenge for governance and Public Administration in Africa (New Partnership for Africa's Development, 2004: 7). Various factors may have contributed to the current quagmire and a turn-around strategy will require efforts that include the participation of various stakeholders and institutions, as well as the development and strengthening of administrative systems for mass participation in Africa's current state of affairs.

The research investigation attempts to determine to what extent Public Administration functions are effectively and efficiently deployed in managing intergovernmental relations in the selected countries. The management of intergovernmental relations can either affect policies positively or can lead to further chaos in the management of states in Africa. The fact that governance challenges in Africa cannot be wished away, signals that strategies have to be developed to manage the challenges more effectively. From a Public Administration framework, the research highlights issues that should assist the two governments to manage the intergovernmental relation challenges that they face more effectively. Sound intergovernmental relations insights that seek to build and promote alignment, coordination, cohesion and cooperation may signal the development of the deeper phase of democracy that Africa earnestly seeks.

Furthermore (and within the framework of intergovernmental relations), this research reveals the extent to which the current management of intergovernmental relations hinders or facilitates cooperation among spheres (as is the case in South Africa) or levels of government (as is the case in Nigeria). And further assists in generating appropriate issues for consideration for intergovernmental relations reform. In the South African context, Mathebula (2004: 2) notes that, whilst the administrative reform process of government is underway, there is an equally important need to reform the intergovernmental relation landscape. The researcher argues that further reform is inevitable and should be informed by a deep understanding of the workings of the entire intergovernmental relation framework, the possibilities, and inherent challenges. Emerging insights will thus guide how best to deploy Public Administration functions in dealing with intergovernmental relations.

The purpose of the study

The purpose of the research is to determine whether public administration has facilitated

intergovernmental relations systems in the selected African countries, to what extent the public administration related approaches have been employed in governmental activities and its implications on the current intergovernmental relations system. The research attempts to establish the importance of the public administration functions, especially as they relate to and underpin intergovernmental relations framework in Nigeria and South Africa. The researcher will also reflects on the administrative implications, especially with regard to service delivery in the current system, as this could be comprehensive or limited in terms of the application of public administration principles and the consequences thereof. This is important given the fact that a strong intergovernmental relations system, grounded in public administration principles is better able to ease the tensions that are bound in governmental activities. The ideal is one that embraces critical elements, such as integrated planning, strong coordination, and a context appropriate to indigenous government systems that complements modern trends.

Governments in most Africa countries (given their colonial past) seem to have been founded on uncertain bases in terms of the actual emergence of a strong sense of "nationhood" or "statehood". This situation further suggests that the effectiveness of intergovernmental relations will be continuously tested as has been the case in several African countries and this may have exacerbated the stunted start that has proved so difficult to stabilize. Although different governmental systems have been adopted in various African countries, this study is located between federal (Nigeria) and unitary (South Africa) governmental systems. It should, however, be noted that the degree of decentralisation in the form of unitarism or federalism varies from country to country as in the case of Nigeria and South Africa. In practice, both governmental systems have remained less than perfect and the experiences of the selected countries reflect this. The challenge is to continually strive to develop a system that works best in given context.

Poor service delivery is seen as a challenge that can be better managed through intergovernmental relations. Ways must be sought to continually promote and sustain liaison with governmental stakeholders, as ultimately all shape public policy in their societies. In the promotion of strong intergovernmental relations, one must move beyond a "cosmetic approach" towards a genuine understanding of various viewpoints, thereby creating opportunities for genuine negotiations and the development of a shared vision. Without an integration of multi-sectoral, cooperation among the spheres of government and creating the right balance, at some point the tensions that are bound to arise will cause administrative and managerial concerns in governing structures.

The objectives of the research

The significant role that public administration is expected to and should play in Nigeria and South Africa remains critical. This suggests organisation of governmental structures particularly in Nigeria and South Africa requires constant review. Principles of Public Administration should be thoroughly examined and continuously analysed so that the lessons learnt from the evaluation of the governance system and its subsystems (including intergovernmental relations) are constantly taken cognizance of and applied in a way that brings about an adaptive developmental intergovernmental relations system.

In an attempt to review the existing management of intergovernmental relations mechanisms and frameworks, this research tries to determine the principles that govern intergovernmental relations from a Public Administration point of view. It also explores how these have been applied in the selected countries, the relationship between the principles, and their effects on service delivery. This is be done with a view to determining best practice and the extent to which intergovernmental relations challenges (such as policy misfits, policy non-alignment and policy non-implementation) can be successfully tackled

within a particular intergovernmental relations framework. These intergovernmental relations challenges require in-depth study and efficient management. Nnoli (2000: 45) notes that, with regard to policy implementation, these challenges will persist because 'there is the problem of an intricate division of labour which has to be solved'. A developmental approach geared towards the continued strengthening of an effective intergovernmental relations system is likely to bring about a more integrated and coherent system.

The researcher argues that there is still scope for the evolution of an effective and efficient intergovernmental relations system in the two selected countries under discussion. Towards, one that is more integrated, coherent in nature and brings about the desired results. The general objective of the intended research is to examine the comprehensiveness (or lack of it) of the Public Administration approaches in dealing with and managing intergovernmental relations systems, structures and mechanisms in the governance of the Nigerian and South African states.

The following are specific objectives of the research:

i) Describe the nature and form of Public Administration principles within selected African countries ;

ii) Evaluate the extent to which Public Administration principles should be considered in the intergovernmental relations framework of the selected countries;

iii) Reflect on the current intergovernmental relations practice and its implications on service delivery;

iv) Identify and discuss the administrative implications as well as the challenges that need to be managed within a proactive intergovernmental relations construct ; and

v) Suggest guidelines for proactive management of possible administrative tensions within the study of Intergovernmental Relations.

Problem statement

The efficiency and effectiveness of the Public administration environment has a direct bearing on the ability or lack thereof of the Nigerian and South African states to meet governmental objectives as well as their developmental mandates. The current state of intergovernmental relations in the two selected countries (Nigeria and South Africa) suggests that the evolution of an intergovernmental relations system that is deployed to take cognizance of Public Administration principles (and their inherent complex relationships) in these countries (with their unique peculiarities which is context dependent) should be sought as this may lead to an improved intergovernmental relation system with stronger elements of policy alignment, interaction and coordination within and among spheres/levels of government.

Based on the above, the study identifies the pertinent research question which drives the study as follows:

To what extent do Public Administration principles underpin the management of intergovernmental relations in the selected countries (Nigeria and South Africa)?

Given the above proposed areas of investigation, the research reviews, analyses and evaluates the state of intergovernmental relation systems in the selected countries with a view to advancing comprehensive and inclusive public administrative strategies that will contribute to the reform of certain existing practices and contribute towards bring the development of a fully integrated intergovernmental relations system in those countries.

In South Africa, for the achievement of governmental goals including cooperative government as proposed by the 1996 constitution of the Republic of South Africa, there is

provision for an intergovernmental relations system that seeks to improve coordination and alignment. The Nigerian constitution of 1979, (chapter 1, part 1) pronounces the nation as a federation consisting of thirty-six states and a federal capital territory. In the conduct of state affairs (including agencies) Chapter 2, section 14 (3) further notes that governmental interactions should be carried out in such a way that they reflect the "federal character of Nigeria and the need to promote national unity, and also to command national loyalty. Thereby ensuring that there are shall be no predominance of persons from a few state or from a few ethnic or other sectional groups in that government or any of its agencies. Therefore, a better understanding of how the coordination of intergovernmental relations systems has developed over the years and the extent to which this has enabled government to achieve its goals would be insightful.

Explanatory overviews of selected concepts

State

Falola (1994:4) notes 'there are no people without a state if we define a state to mean a sovereign government with defined boundaries …. No people lived without a recognized authority which protected land, performed rituals, negotiated peace and resolved conflict…' Chazran, Lewis, Mortimor, Rothchild and Stedman (1999: 39) define the state as 'a set of associations and agencies claiming control over defined tenures and their populations… the precise character and capacity of the state is determined by the pattern of organizations of these institutions at any specific point in time'.

For the purposes of this study, the state is a system of government that does not just claim authority, but is mandated to steer society's developmental visions for the good of all who live in it. It should therefore not be reduced as a tool for the elite to further their cause, but must work for the majority of the people.

Unitarism

A unitary government is a type of government that seeks to concentrate power at the centre for various reasons. It may de-concentrate power to other subunits of government to enable it achieve its objectives. This means that such governmental subunits are mere extensions of the central government or agencies of the central government.

In reality, however, Adamolekun (1999: 37) notes, most modern states, including unitary states, combine features of both decentralization and centralization. This suggests that the degree to which a unitary government centralises power may vary from country to country, taking into account historical, political and cultural realities.

Federalism

Federalism, according to Watts (1994: 53), is a term that refers to the advocacy of multi-tiered government combining elements of shared-rule and regional self-rule. It is based on the presumed value of achieving both unity and diversity by accommodating, preserving and promoting distinct identities within a larger political union. Basta and Fleiner (1996:2) view federalism as a system that seeks to unite separate political units through the distribution of authority among the units with the degree of autonomy however varying from country to country.

Given the above, it is not surprising that more and more countries have formed states with federal characteristics, combining a shared government for specified common purposes and autonomous action by governments of constituent units for purposes related to maintaining their regional distinctiveness. This delicate balance of elements of federalism and unitarism, allows for some level of distinctness within a collective and the maintenance of peculiarities in the contemporary world. In such a context, the objective of federal political systems is

not to eliminate diversity but rather to accommodate, reconcile and manage social diversities within an overarching polity (Watts, 1994: 56).

For the purposes of this research, federalism is defined as a structure of government, backed by a constitution that allows for the semi-independent national and sub-national arrangements (structures with responsibility) in the form of central, state (or provincial) and local governments. However, the degree of federalism may differ from one country to another; hence some unitary states like South Africa have federal characteristics.

Confederalism

A confederation is a "situation in which two or more polities come together to establish a limited-purpose general government that functions throughout the constituent states, which retain their position as the primary political communities, retaining ultimate sovereignty with the overall polity". (HSRC, *www.hsrcpress.ac.za*. Accessed 2 May 2007). In this study, the researcher views a confederation as a loosely organized state consisting of several territories but with negotiated authority to make certain decisions on behalf of the various territories or local governments. In a confederation, there is normally no direct contact between the populations of the member states and this overall body.

This state organizational structure is such that the central body can only reach the population (where necessary) through the various regional governments or states. While this may be an appropriate description, for the purposes of this research, the fact that the actions of the confederation are administrative in nature suggests that the coordination role has to be highlighted especially with IGR.

Intergovernmental relations

According to Opeskin (1998:11), the term "intergovernmental relations" is commonly used to refer to relations between central, regional, and local governments (as well as between governments within any one sphere) that facilitate the attainment of common goals through cooperation. Used in this sense, mechanisms for intergovernmental relations may be seen as employing consensual tools for the mutual benefit of the constituent units of the federation.

For Van der Waldt and Du toit (1997: 162) intergovernmental relations refer to the mutual relations and interactions between government institutions at horizontal and vertical levels. This is in line with Thornhill's (2002: 8) definition that 'intergovernmental relations is all the actions and transactions of politicians and officials amongst the national and sub-national units of government and organs of the state'. All of which are in line with Adamolekun's (1999: 53) position that it deals with the relationships between government and sub-national units" hence Ademolekun (1986: 89) defines intergovernmental relations as the interactions that take place among the levels of government within a state.

 Crucial to this relation and among others, attention needs to be paid to the statutory bodies (legislative backing) and non-statutory bodies (constituted by government for a specific task) as these can promote intergovernmental relations in the form of committees, boards or a range of other bodies (Kuye, Thornhill & Fourie, 2002: 45).

 An intergovernmental relation system consists of facilitative systems and relationships that enable the units of government to participate effectively and to carry out mandates such that governmental goals are achieved. This includes executive mechanisms, coordinating mechanisms, cooperative agreements, judiciary and legislative mechanisms that all facilitate delivery by government machinery. Intergovernmental relations can thus be defined a the

"glue" in the form of interactions, relationships and the conduct of officials between governmental activities that ensure the achievement of common goals through mutual relationships between and across vertical and horizontal governmental arrangements towards alignment and cohesion across all spheres of government. The aim of Intergovernmental relations is to seek synergy for efficiency and effectiveness in the delivery of services, to sustain democracy through a number of ways, including the strengthening of capacity across all spheres of government for the common good

Co-operative government

The management of the activities of government in most countries has often resulted in conflict among tiers of government. Ademolekun (1986: 69) suggests that 'national integration still remains a goal in most if not all African countries' (including Nigeria and South Africa) making intergovernmental relations an important tool. Chapter 3 of the constitution of the Republic of South Africa (1996) emphasizes and 'actively promotes co-operation between the different levels of government' (Levy & Tapscott, 2001: 1), especially given South Africa's divided society pre-1994 elections. This is also against the backdrop of concurrent and exclusive activities that all spheres of government have to engage in as they seek to deliver basic and essential services to the people of South Africa.

Political democracies and social democracies, in the final analysis, must be able to promote both internal and external interests, and to deal in a regular and institutionalized way with the everyday interplay of minority interests through appropriate institutions and structures.

Hence Thornhill in Kuye *et al.,* (2002: 34) emphasise the South African experience with cooperative arrangements where units are interdependent, with clear areas of authority resulting in smoother intergovernmental relations. Important in the understanding of the

South African cooperative model of intergovernmental relations are three important adjectives (distinctive, interdependent and interrelated) are crucial for intergovernmental relations and set the stage for it's understanding.

Distinctive

The 1996 Constitution of Republic of South African, Section 41(1) (e), dictates that there should be respect for the constitutional status of institutions and the powers and functions of government in other spheres of governance. This suggests that each sphere of government has it own status with a clear mandate. Hence Section 41 (f) adds that spheres must 'not assume any power or function except those conferred on them in terms of the Constitution'. Section 41(e) notes that spheres 'must exercise their powers and functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and lastly Section 41(g) spells out the manner in which this is to be achieved, which is 'co-operate with one another in mutual trust and good faith...'.

Distinctiveness therefore reflects specific or particularities that ensure that roles are best executed at a selected sphere of government. According to Levy (1999: 7), 'Each sphere has distinctive legislative and executive competencies'. While, this is in line with the current understanding of the concept, it is important to add that these have been competencies that have been allocated on the assumption that the particular interest is best served by a particular sphere given their unique characteristics and peculiarities.

Interdependent

The 1996 Constitution of Republic of South African, Section 41(h) stipulates that spheres must cooperate with each other if the goals of the nations are to be achieved. These could be

through communication, consultation, coordination, assisting and supporting each other in a variety of ways. Powell, in Levy & Tapscott (2001: 258) notes that the 'interdependence of the spheres is the degree to which one sphere depends on another for the proper fulfilment of its constitutional functions'.

The term "interdependent" means that no sphere can operate in isolation. All spheres are inter-reliant, mutually dependent and supportive of each other, especially in terms of capacity support for provincial and local government. They should be closely supervised and monitored to ensure that national objectives are met through effective oversight by the appropriate institutions.

Interrelated

The 1996 Constitution of Republic of South African, Section 49 (a) submits that spheres must 'preserve the peace, national unity and the indivisibility of the Republic' through the provision of 'effective, transparent, accountable and coherent government for the republic as a whole'. This implies that spheres are crucial parts that collectively form the government of the country and if they are parts of a whole then, for the whole to function effectively as required, the parts must relate amicably. This term (interrelated) means that spheres are parts of a holistic system of government and that through these interrelated spheres, a solid and unified government can evolve.

Having discussed the important elements in which cooperative government is embedded, it can be stated that, co-operative government requires mutual respect and the building of relationship among all spheres of government for the good of all. This is achieved by providing other spheres ample opportunities to make input into policy and providing them

with the necessary support to implement those policies by exercising oversight responsibilities.

Spheres of government

Chapter 3 of the Constitution of the Republic of South Africa (Section 40) outlines the structure of government into three distinctive, interdependent and interrelated bodies, or spheres, each with its own areas of operation. They consist of national, provincial and local governments.

In the national government, legislative authority is vested in the National Assembly (Parliament which includes the National Assembly and the National Council of Provinces) which could be considered as, '…the primary legislative body in South Africa' (Kuye *et al.,* 2002: 33-38) and executive authority in the Cabinet (Botes, Brynard, Fourie & Roux, 1996: 100-108).

At the provincial government, a total of nine provincial governments were created, with the legislative authority vested in the provincial legislatures. The authority of the provincial legislature is only applicable in the specific territory of each province, (Botes *et al,* 1996: 189-190). The provincial governments also have executive authority, which is vested in the Premier. The Local Government is made up of municipalities that are the forms of government closest to communities. The local government sphere has to recognize legislation passed by the other two spheres.

Venter (1998: 171-202) explains, each sphere of government in South Africa is autonomous but is interlocked with the other spheres and must operate in unison with them in the delivery of public services. Each sphere is distinctive from the other and although they are interdependent and interrelated, each has relative autonomy to perform its functions and

exercise its powers. This implies some level of parity between and amongst the spheres, as they are equal with regard to their importance in service delivery. However, each some spheres has the responsibility of ensuring that the other spheres performs its functions adequately and constitutionally - the national sphere to the provincial and the provincial to local sphere.

According to Levy and Tapscott (2001: 5), 'the decision to describe the different levels of government as spheres rather than tiers was a conscious attempt to move away from the notion of a hierarchy with all the connotations of subordination'. The challenge for federalism is to seek cooperation rather than competition. This will ensure that spheres commit to assigned roles, although critics may argue that cooperative federalism can also have a negative side. Excessive emphasis on harmony and cooperation can mean intergovernmental agreements that are the lowest common denominator, or that are too weak to be effective. They can lead to excessive delay as governments work towards agreement.

The challenge then, is for each federal system (or states with federal characteristics) to find their own balance between autonomy and interdependence, competition and consensus. Both sides of the coin are essential to the broad goal of ensuring that governmental systems can respond and adapt to the changing socities in which they are embedded, and which they serve.

Decentralisation

Decentralisation is the transfer of power and functions from central government to provincial government and from provincial to district and local authorities or municipalities,

in such a way that decision-making can be done and action taken at appropriate lower levels within the general policy of the state or central structure. This is important in intergovernmental relations as it does not make the central structures irrelevant, but rather allows institutions a fair degree of autonomy through provincial and local structures that enable meaningful participation in their own affairs through various IGR forums.

The functions and powers of the central authority are divided and entrusted to governmental structures established for this purpose of decentralisation (Hattingh, 1998: 69-71). This is a general form of delegation in the public sector which emerges from the decentralisation of activities within an organisation that has existing structures. Its usefulness lies in the generally accepted fact that it is impossible for the central sphere of government to execute all functions and powers entrusted to it by legislation. Hence, decentralisation is a practical organisational mechanism for efficient and effective government and administration. This is achieved through the division of work or functions by decentralising these. It is therefore, a mechanism for achieving specific administrative objectives.

Adamolekun (1999:49) notes that this term refers to 'a political arrangement involving the devolution of specific powers and resources by the central government to sub-national level government units (including regional, state, provincial, local governments or municipalities' all of which must operate within a clear legislative framework usually set out by the constitution of a particular country. The legislative framework may allow for a unitary, federal, confederal or a quasi-federal type of government but regardless of the manner in which the state is organised, decentralisation remains vital. Decentralisation relates to the transfer and streamlining of services in such a way that enables the service to be rendered adequately, effectively decongesting the administrative load through *devolution* or *de-concentration.* It is therefore in line with the principle of subsidiarity as higher levels of

government are not expected to execute roles that the lower units can manage effectively. It may require transfer of policy planning and implementation responsibilities to the lower units because these are closest to the people through devolution. Both types of decentralisation allows for extensive formal directives, which are associated with prescribed procedures (Hattingh, 1998: 71-73).

 The issue of devolution of power as against the de-concentration of powers from national to other spheres of government has meant that cooperation should be pursued to minimize unnecessary power games and conflicts among the spheres of governments. This means that the strengthening of intergovernmental relations to be able to deal with the challenges, tensions and conflicts that may arise from the decentralisation model adopted is imperative.

Devolution

Devolution refers to organisational structuring which allows for the decentralisation of powers and functions from a central authority to augment the capacity to govern. Chapter 3 Devolution ultimately involves the reassignment of final responsibility and accountability from the centre to the periphery, namely from the centre to the governmental unit responsible for executing a particular function(s).

If devolution is successfully executed, there is no need for constant recourse to provincial government, except in the initial stages of the process. This does not make the central institution irrelevant but rather allows it to give provincial and local authorities a fair degree of autonomy through intermediate structures, which enable them to participate more meaningfully in their own affairs. This option allows for a sense of custodianship or ownership of a local authority, which helps to boost confidence and participation in development initiatives in a given locality. This enables IGR structures to facilitate the devolution process as against de-concentration where subordinate governmental bodies

perform complementary functions to the central authority, but the ultimate accountability for the actions of all subordinate bodies rests with the central authority. This is a form of delegation relating to the division of labour within an institution, or among several institutions.

De-concentration

This is a situation where the sub- national governments becomes an extension of the central government and can have its function and powers withdrawn at will. Adamolekun (1999:49) describes it as an 'administrative measure including the transfer of management responsibility and resources to agents of the central government located outside the headquarters at one or more levels'. Devolution by contrast, refers to the location of responsibilities and powers to execute them at various levels of government and these are contained in the constitution of the land and cannot be withdrawn at the will of the central government.

With de-concentration, authority and powers are assigned to an independent institution completely executing the authority and powers in its own name. De-concentration can also be defined as shifting power from the central offices to peripheral offices of the same administrative structure. Powers are delegated to the peripheral unit to be semi-autonomous, but the peripheral unit is bound to the centre by a common bureaucracy. The principal organisation regards the subordinate institution as an independent entity. De-concentration allows principal organisations to retain the final authority which may intervene in the functions and powers of the subordinate (not independent) institution (Gildenhuys, 1997: 75-79).

Governance

Kickert, Klijn and Koppenjan (1997: 2) describe governance as 'directed influence on social processes'. Although this is a workable definition, it could be argued that its limitations concern the fact that indirect influences may not altogether fall outside the scope of governance. Therefore, the above definition concept of governance would be slightly adjusted to include indirect influences. This suggests that a broader meaning of the concept would include deliberate as well as unintended processes that are associated with public policy and public interactions. The implication therefore is that the limits of governance are not clear-cut as it includes several actors. In other words, 'public management is governance but not all governance is public management' (Kickert, Klijn & Koppenjan, 1997: 2).

Leadership

Although a lot has been written about the meaning of leadership, it certainly seems to be an inexhaustible concept as it continually evolves and mutates according to a variety of circumstances. In Mazuri (2001: 102-106) an attempt is made to conceptualize specific leadership variations. He argues that political leadership cannot be viewed in terms of father/son relationship but rather in terms of teacher/student relationship by applying mentoring and coaching techniques. What this suggests, is that leadership especially in the political arena should not be patriarchal, prescriptive and authoritarian but must engage of the people being led, in such a mutual way that the leadership over time shows positive results. In the context of public administration therefore, and in terms of this work, leadership is defined as a team of people with legitimate mandate, integrity and clear visions to achieve the extra-ordinary through support mustered in the form of a community vision.

Public Administration Approach

As reflected in the American heritage dictionaries, (http://www.nordstrom.com. Accessed

23 April 2007), approaches are methods used in dealing with a particular problem or activity. Adebayo (2000: 13) reflects that it is a set of principles or key functions that are critical in governmental activities including the management of intergovernmental relations. These functions, he captured as in an acronym called POSCORB (which represents the functions of Planning, Organising, Staffing, Directing, Coordination, Reporting and Budgeting.)

These functions, individually and collectively are essential for effective management of the various components that governmental administration relies on (regardless of whether the system of government in a particular state is unitary or federal in nature). For the purposes of this study, the functions identified by Adebayo are imbedded and executed with the framework of acceptable normative values reflect public administration approach and principles. What this suggests is the approach would be vital in all government fields of activities as they guide the normative behaviour that public institutions are expected to reflect. Usually these are values that consistent with societally acceptable behaviour, legally acceptable and emanate from the body politic.

Origin of Intergovernmental Relations

The origin of IGR can be traced from the late 1930s in the United States. The concept of IGR became internationally accepted in the 1950s with the creation of a United States permanent body known as the Advisory Commission on Intergovernmental Relations in 1959 and the promotion of the Canadian experience of cooperative federalism in the 1950's and 1960's. Admolekun noted,

> '…the federal government's decision to undertake a large number of programmes of economic and social development had consequences for the state and local governments. This interdependence of the different levels of government called for a certain degree of harmonization and coordination of economic and social policies. This political dimension of IGR was accompanied by an administrative dimension, namely, the need to manage the complex public bureaucracy that resulted from the

implementation of the policies' (1986: 90).

The concept of Intergovernmental Relation has become an avenue for facilitating governmental goals and ensuring alignment across all levels of government. The origins of intergovernmental relations in a particular country must take the contextual issues into account. Although co-operative federalism resulted from this in the USA and Canada in the 1950's, IGR mutated and has increasing changed its form, such that it has become competitive, in the American state and likewise in Nigeria (colonial and postcolonial) where the tensions among national groups were of an ethnic nature leading to a highly conflictual and competitive federalism.

The origin of IGR in most African states can be traced to the pre-colonial era. The Nigerian colonial state was administered as a unitary state by the British and, for governance reasons (not necessary to the advantage of the Nigerian state), regionalism was a strong feature. Regionalism may have in fact triggered the hurried metamorphosis from a unitary government to a federal system in 1954 with the creation of numerous commissions and *ad hoc* bodies for revenue allocation. As a federation, the powers of the state governments have increasingly declined thereby reflecting unitary characteristics through the continuous disintegration of former strong regions into smaller and weaker states with a greater need for an efficient and effective IGR system. The need for administrative mechanisms was paramount; hence, the number and frequency of meetings and conferences between administrators and politicians across the levels of government have steadily increased with the establishment of state liaison offices at the national capital.

Ademolekun (1986: 101) notes that 'a more significant influence on the use of the term is the overall impact of several provisions in the 1979 Nigerian constitution that relates either

directly or indirectly to IGR'. These provisions in the second Schedule, fourth Schedule, Sections 149 and 150 of the Nigerian 1979 Constitution, include among others aspects, the division of legislative powers amongst levels of government, including local government and the creation of the national council of states.

In the South African IGR context, it would appear that although the IGR system evolved amidst a centralized system that sought only to oversee security and protect the rights of a minority group using various governmental systems, it has since gradually moved towards a decentralized and devolved democratic system. The development of intergovernmental relations in South Africa is invariably liked to development of an interim and consequently a final constitution adopted in 1996.

> The "concept of IGR is relatively new to South Africa. It arose under the interim constitution with the creation of three tiers of government at national, provincial and local level. The new constitution creates the condition for intergovernmental relations. Three spheres of government replace the tiers. Powers are allocated within three spheres as either powers exclusive to one sphere or as powers shared concurrently between two or more spheres… on going interactions between the three spheres of government is thus both a constitutional and a practical necessity" (Moosa, 1998)

Mathebula (2004:101) notes that the Convention for a Democratic South Africa (CODESA) negotiations led to the adoption of interim constitution that reflected deeply held positions on intergovernmental relations. Further consensus on the interim constitution culminated in the 1996 South African Constitution that pronounces the existence of spheres of government and the need to nurture these relationships in an effort to accomplish governmental objectives. Thus the Chairperson of the NCOP (1998) noted that this will bring about a "culture of consultation and co-operation which was enshrined in the constitution, in the principles of co-operative governance"

Outline of Chapters

A brief summary of the organization of this thesis is given to provide the layout and organization of the entire work**.**

Chapter 1

Introduction

The aim of this chapter is to introduce the subject matter for investigation - A PUBLIC ADMINISTRATION APPROACH TO MANAGING INTERGOVERNMENTAL RELATIONS SYSTEM IN THE GOVERNANCE OF THE STATE: A CASE REVIEW OF NIGERIA & SOUTH AFRICA. The Introductory chapter provides the parameters for the research undertaken. In addition to the introductory notes, it includes

- ❑ Rationale of the study

- ❑ Problem statement

- ❑ The purpose of the study

- ❑ Objectives of the study

- ❑ Definitions and clarifications of terms

- ❑ Origins of IGR

- ❑ Structure of research dissertation

Chapter 2

Research methodology

This chapter deals primarily with the methodological issues. This is to ensure that all the relevant issues are clarified. The rationale for the preferred research design is explained and ways to augment possible limitations that a particular design might impose are suggested. In addition, the following aspects are addressed:

- ❑ Public Administration and qualitative research

- ❑ Data and information collection tools

- ❑ Ethnical considerations in the research

- ❑ Significance of the study

- ❑ Limitation of the study.

Chapter 3

Review of relevant literature

Perspectives and literature on the management of intergovernmental relations in general but specifically on the selected African countries are profiled and discussed. The argument for making governance work better and bringing about efficient and effective service delivery through better coordinated and aligned sub-national governmental systems, is one that should be earnestly pursued especially in the African continent with debates on good governance being high on the agenda.

An overview of IGR in selected African countries will be attempted, but unlike previous studies which tend to focus only on the historical perspectives, attempts have been made to understand the Public Administrative elements that are paramount in managing these relationships and activities. In addition to understanding the topic, the following issues are addressed:

- ❑ Theoretical framework for the study of IGR

- ❑ The practice of IGR in selected states

- ❑ An overview of Public Administration principles that IGR must take cognisance of in any state (unitary or federal).

Chapter 4

IGR international and continental trends

International trends in the practice of IGR are presented with insights from

- ❑ Switzerland,

- ❑ Canada,

- ❑ Australia

 Next, an African continental perspective is presented including constitutional mandates and institutional arrangements in two different countries that are located in separate regional blocks in Africa, namely:

- ❑ Nigeria (in ECOWAS)

- ❑ South Africa (in SADC)

An indepth contextual profile is presented and selected cases profiled. Where possible, comparisons (including the legislative provisions and existing structures of intergovernmental relations from a coordinating point of view) have been outlined with a view to harnessing the lessons that are contained herein with regard to the management of intergovernmental relations and presenting practices or administrative mechanisms that aid or hinder efficient and effective service delivery .

Chapter 5

Analysis of case studies

Intergovernmental relations is a critical transversal element that allows for political and administrative interface. This therefore makes the public institutions important structures in the quest for a total turn around strategy for societal change, in terms of responding adequately to delivery imperatives. In this research, the emphasis with regard to administrative implications focuses on planning, policy process, the organisational and

coordination mechanisms that hinder or facilitate intergovernmental relations. Other issues to be dealt with in this chapter include:

- A detailed analysis of IGR cases from selected countries

- A periodic analysis of the nature of IGR in the selected countries

- Cross country analysis of emerging trends

- An evaluation of the extent to which Public Administration principles underpin the intergovernmental relations framework and mechanisms of selected countries

- The role of various elements such as commitment in governance and the management of intergovernmental relations.

Chapter 6

Summary, conclusion and recommendations

Despite the challenges that face intergovernmental relation systems in developing countries, some critical elements have been identified in this chapter, as these can bring about sound and improved intergovernmental relation processes, including the need to:

- rationalise the expanding role of intergovernmental relations as a facilitator of governance processes in the state, using lessons learnt from the two country cases profiled

- Provide guidelines for proactive management of possible managerial tensions in intergovernmental relations

- identify areas for future research

- make recommendations and conclusions

Chapter summary

The nature of these intergovernmental relations can include relationships between one province and another, provinces and national government, one local government and other

local governments, national government and local governments, as well as simultaneous relations among all spheres/levels of government (national, provinces and local government).

The context in which intergovernmental relations take place should be thoroughly considered, if a truly indigenous and workable system is to be evolved. On the African continent, the there is growing impatience with government programmes and corresponding service delivery hence the role of IGR in facilitating improved service delivery is even more important. The emphasis of this research is to determine public administrative approaches that may be employed in the management of intergovernmental relations, and the extent to which these could be successfully implemented.

In this introductory chapter, attempts have been made to introduce the theme being investigated, and its relevance to the African continent. In addition, concepts have been clarified, and an attempt was made to present the origin of intergovernmental relations. Finally, an outline for the structure of the study has been logically presented within the framework of governance and the opportunities that intergovernmental relation may present.