

## CHAPTER FOUR

### IGR: AN INTERNATIONAL AND CONTINENTAL OVERVIEW

#### Introduction

This chapter first seeks to present literature on the role and connectivity of the three arms of government, intergovernmental relations from a global perspective and at a continental level, using a country specific approach. Where possible, a comparative study is undertaken as comparison is a natural human activity (Landman, 2000: 45). The narrative contained herein profiles the status of IGR in selected countries; namely Switzerland, Australia, Canada, Nigeria and South Africa. The aim is to present and understand the particular contexts for operationalising intergovernmental relations in an attempt to share knowledge that provides understanding and insights into what works, how it works, and the possible justification for the current status quo.

The need to depart from a broad perspective is an acknowledgement of the highly interactive nature of relationships and influences that are cross-border in nature and further reinforces the concept of globalisation. According to Simeon (2000: 21), globalisation creates many challenges for intergovernmental relations. It may be seen from diverse perspectives:

- i. Intergovernmental relations as setting up pressures for decentralization (that is, as national governments lose control over the policy instruments that are traditionally in their hands, as national economies become less integrated internally and differentially integrated into the wider world), or
- ii. It could be that intergovernmental relations within the context of a globalised world, provides an opportunity to establish common standards that ensure minimum delivery of services. It also encourage cooperation as countries and their inherent subnational

units become more effective in the international arena given that they are able to speak abroad with one voice,.

Which ever perspective is correct, it seems clear that in a globalised world, relationships no longer stop at the border as global forces have powerful effects on domestic relationships. The character of any country is inevitably projected into the international arena; hence this chapter profiles IGR international and continental cases.

This framework is endorsed by Almond and Powell (1967: 23), who noted that in the study of political and administrative systems, there is a need to know the underlying propensities as well as actual performance over a given period. Through profiling or comparing various states, we are able to understand issues concerned with the intergovernmental relations in a particular society, compare capabilities, political culture, constitutional mandates, conversion functions, system maintenance, adaptation functions, relationships between functions and structures.

This basic principle underlies the logic of collective action by governments within a federation. Governments acting in concert may find solutions to problems that cannot be solved when each government acts alone. One mechanism for concerted action is a formal intergovernmental agreement. Where intergovernmental agreements are acknowledged in constitutional law and practice, they are frequently known by different names, and serve different intents and purposes. Despite the design issues, they ultimately seek to enhance governance mechanisms that exist in a country in a manner that enables government meet their mandates.

It is worth noting that the need for these relationships amongst sphere or levels of government, as well as within the arms of government, has brought about a strong interface between the political and administrative systems in any country. Political systems in themselves consist of political units which may be termed levels, tiers or spheres. These are connected mainly by administrative processes that require strong coordination and monitoring of the processes. The foundation of these processes should usually be from the constitution or the legislative framework of any country, as legislative processes envisage a great deal of formal and informal communication between national and provincial/state committee chairpersons and other stakeholders.

Opeskin (1998: 15-22) notes that, within governance structures, the inevitability of overlaps and interdependence in the exercise of constitutional powers has generally required extensive intergovernmental consultation, cooperation and coordination. These processes have served two important functions, that is, resolving conflicts on the one hand and providing a means of pragmatic adaptation to changing circumstances. The intergovernmental relations affect the extent to which spheres or levels of government effectively participate in power-sharing ventures, adding that executive mechanisms, cooperative agreements, judiciary and legislative mechanisms all facilitate government machinery.

The extent to which power is managed by all three arms forms of government is vital. A brief discussion on the role of the three arms of government is commenced; and discussions as contextualised with the aid of the three selected international IGR cases (Canada, Australia and Switzerland), followed by an African contextualisation of the subject of IGR, with particular reference to Nigeria and South Africa.

## **Overview of the roles of the three arms of government within an IGR framework**

### *The executive:*

The executive plays a major role in intergovernmental relations in all countries as intergovernmental mechanisms involve the executive wing making binding written agreements, using informal liaison between governmental offices and ensuring delivery of a whole range of activities to the public. With regard to the coordination and adjustment of administrative relations in countries, Opeskin (1998: 21) notes that this gives rise to several mechanisms for intergovernmental relations. In South Africa, for instance, the coordinating structures could be divided into two broad categories. These are structures established in terms of the constitution or other legislation and structures established by a decision of an executive or institution (Thornhill *et al.*, 2002: 106);

Once the coordination mechanisms are in place, sufficient attention has to be paid to the management of the administrative processes, as this could either undermine the entire process or propel it into achieving the vision of the state. Effective management of IGR, therefore, brings about improved performance, and acceptable levels of efficiency and effectiveness. In this research, specifically in the subsequent chapters, consideration is given to elements that hinder or facilitate IGR for purposes of analysis. These elements include quality of leadership in the public service, the quality of citizenry and the attitude and political culture that exist in the public service.

In some countries, the executive arms of government seeks to work together and harness efforts towards a common goals (through cooperation), although it should be noted that in other countries, executives within a federation may be brought into relation with each other through competition. This is so, as the executives of regional governments vie with one another for sources of revenue and employment opportunities for their residents. Examples

of competitive behaviour include offering subsidies to encourage businesses to locate within the region, introducing lower rates of taxation, or providing infrastructure to industry. Issues and challenges that arise in respect of intergovernmental relations may be competitive in nature and could include the following:

- Does competition among units create an unhealthy rivalry among units thereby redirecting positive energy that would otherwise have been useful to the State?
- Does competitive federalism *really* produce economically efficient solutions by promoting competition between the laws, practices, and procedures of the jurisdictions?

While the above may be concerns for some federal states such as Nigeria, it may not necessarily be the case for all states with federal characteristics, but it shows that the models or degrees of federalism or application of federal characteristics does differ from one context to another. These may be competitive in some and cooperative in others.

*The judiciary:*

Opeskin (1998:26) notes that, the judicial branch of government plays a critical role in establishing the framework for the conduct of intergovernmental relations by the executive and the legislature. This importance stems from the fact that:

- (a) all states embody some kind of division of powers between central and regional governments', and
- (b) neither level of government should be the sole arbiter of that division.

In disputes, the courts are usually called on to superintend the division of power and hence to determine the conditions under which the other branches conduct intergovernmental

relations. The attraction of the courts in this respect arises from the public perception of them as independent and impartial arbiters. In some countries, as in South Africa however, governmental structures are not encouraged to file suits against one another, but should explore several avenues that may be available before approaching the law courts. Nevertheless attempts have been made to ensure that the judicial systems are in place to promote the workability of the democratic system.

*The legislature:*

According to Opeskin (1998:25), legislatures play an important role in giving the force of law to policies initiated by the executive. Intergovernmental arrangements created by central and regional executives often require legislatures of the constituent regions to act in concert. This is important if uniformity, harmonization or reciprocity are to be achieved in the manner envisaged by the executives. The challenges of coordination are further made complex by the relatively large number of constituent units that some governments have to deal with. For instance while South Africa has nine provinces to coordinate, Nigeria has thirty-six states. Invariably, there are more difficulties coordinating legislative action in Nigeria than in South Africa. The size of government may, therefore, have a bearing on the type of mechanism invoked as the presence of tensions surface in a variety of forms and contexts (Wright, 1994:118).

**IGR systems: an overview of selected international systems**

Three countries have been selected to provide an international perspective and a further two countries have been selected to provide an African perspective. The selection of these countries has been carefully considered in the sense that these countries fall within diverse categorizations. The international cases are from the so-called advanced and industrialised countries while the latter are from the developing worlds, specifically the African continent

and are both strong leaders on the continent.

The aim of this section is to present the relevant context information that enables the analysis and comparisons that are engaged in the following chapters. The context relevant issues to be explored include an overview of the political systems. In addition, an attempt is made to reflect on the development of the current intergovernmental system as well as the constitutional mandate. These are presented with a view to capture the management of intergovernmental relations, showcasing practices which enable in-depth reflection on some of the challenges in the latter part of this study.

### **A Canadian IGR contextual perspective**

Herperger (1991: 1) notes that, geographically, Canada is the largest of established federations in the world (see map below). Canada is a large country with a relatively small population of about 31 million. It is composed of the French speaking Canadians who make up about 27% of the population, British Canadians who make up about 40%, and Europeans make up about 20%, and indigenous Canadians make up 1.5 % while others make up about 11.5% (Hague & Harrop, 2001: 205-206).

Map 4.1 Map of Canada



Source: [http://www.lonelyplanet.com/mapshells/north\\_america/canada/canada.htm](http://www.lonelyplanet.com/mapshells/north_america/canada/canada.htm).  
Accessed: 7 March 06.

The Canadian form of government can be classified as a decentralised federal parliamentary democracy. Wheare (1967: 20) noted that the Canadian constitution appears quasi-federal in nature. Although in practice, the government consists of the centre as well as 10 provinces and two northern territories with the majority of the population living in Ontario or Quebec. A unique characteristic of the Canadian policy is the existence of large francophone majority concentrated in Quebec. The legislative arm of government consists of two legislative houses. The house of commons is the lower legislative chamber while the Senate is the upper house. The executive arm of government consists of the various ministers and is led by the Prime Minister who selects the cabinet while a governor- general serves as the ceremonial figure head.

According to Herperger (1991: 4), perhaps the most innovative feature of the Canadian federation is that it represents the first attempt at combining federalism with a system of parliamentary responsible government, a combination that was subsequently adopted by Australia and the Federal Republic of Germany (although with some modifications). He notes further that Canada was an innovator with respect to:

- A constitution that assigns three lists of legislative powers (federal, provincial and concurrent).
- The general residual power is assigned to the federal government rather than to the provinces. This is in contrast to the practice of all other federations except India and, most recently, Nigeria.
- The distribution of powers is uniquely marked by the inclusion of several federal government unilateral powers, where it can overrule provincial powers. Examples are the powers of reservation and disallowance and the declaratory power most of which have not been used in the past several decades.

The last trend was adopted by the South African Constitution of 1996 in Sections 100 and 136 although in general, the principle of subsidiarity applies, which implies that decisions be taken at the lowest possible level. This means that policy is crafted at the top and the lower levels carry out the implementation.

The issue of federal-state relations in the Canadian polity has always taken centre stage as a result of the challenges that are inherent and ultimately underline these intergovernmental relationships. The multi-cultural nature of the Canadian society may have contributed to the adaptation of a federalist style of government as ‘federalism creates the need for competition and the need for its containment through compromise’ (Hague & Harrop, 2001: 206). The

need for integrated society has been the key driver, which has led to accelerated development in the domain of IGR.

This cooperative government stresses interdependence. However, in reality; there are times when cooperative federalism has to come to terms with competition between stakeholders. Gagnon (1994: 136) argues that, for years Canadians have applied some measure of political asymmetry but have been reticent to move beyond to constitutional asymmetry hence Canadians outside Quebec have therefore tended to view asymmetrical arrangements as a mechanism that promotes a set of unfair practices or a set of privileges that is not extended to others and this has led to some tensions in the IGR landscape. Given the constitutional mandate to promote cooperation, effective governance requires strong IGR mechanisms which will enable the states and the centre to work together to develop policies that all can agree to. In Canada, this is known as executive federalism (Hague & Harrop, 2001: 207).

### **An Australian IGR contextual perspective**

Joske (1971:34) notes that federalism comes about when independent political communities come together and resolve to form a common government. They do this by coming together but without desiring a complete union, thereby preserving some degree autonomy. Prior to the formation of the Australian federation, there were six colonies which came together to form the quasi-sovereign commonwealth of Australia. This was largely because Australia, at the time existed as a geographical space and not necessarily as a country that inhabitants had sentiments attached to. However, there were a sizeable number that were of British decent who preferred some kind of a unified structure given that they had the same languages, ancestry, and customs.

The Australian constitution came into being in 1901 with an agreeable power distribution mechanism that allowed for some degree of political independence. The Australian constitution, like the American constitution, allows for the distribution of powers among the organs of government. However, Joske (1971: 38) notes that ‘the difference between the Australian and the American systems lies in the recognition of the sovereignty and indivisibility of the Crown throughout Australia and the system of responsible government under which the ministers of the Crown are directly responsible to the parliament, noting that these were derived from the British principles of government’.

Herperger (1991: 4) notes that, like the Canadian example, Australia is governed by a parliamentary system of government. Further arguing that Australian federalism is unique in the sense that it has provided for the delegation of legislative authority from the states to the federal government. While the concentration of residual powers at the centre was rejected by the founders of the Australian constitution, in practice however, there has been a significant shift in the direction of centralisation to the centre, especially with regard to financial powers.

While states may raise their revenue locally, they have increasingly become dependent on the centre, especially for financial resources. This has made the central government even more powerful. For instance, in Australia, as Hague and Harrop (2001: 207) note ‘60% of the states’ revenue comes from the federal government. While the issue of financial revenue sharing model remains a problem, other challenges still complicate the scenario. For instance, some have argued that in Australia, decisions of the High Court have favoured the centre to the point where some regard federalism as having been sustained more by political tradition than by the constitution (Hague & Harrop, 2001: 208).

While an attempt to promote equality may have been included in the constitution, Mullins and Saunders (1994: 46) argue that the ‘Australian Constitution has been criticised for not articulating what might be the expected aspirations of people joining together to create a new nation’ and this can be traced to the fact that the constitutional document lacks a preamble.

Map 4.2 Map of Australia



Source:<http://www.lonelyplanet.com/mapshells/australia/australia.htm>. Accessed: 7 March 2006.

### A Swiss IGR contextual perspective

Where (1967: 16) notes that the Swiss Constitution of 1848 follows the American example in many respects and is the second federation to have come into existence. Herperger (1991: 4) describes Switzerland as a relatively small country that comprises ‘26 constituent units called cantons, of which six are considered half cantons’ (see Map below). With regard to the management of Swiss federation, he further argues that:

- It has achieved a significant degree of linguistic and religious diversity, although the

German Swiss continue to dominate its numbers and economic power;

- The Swiss distribution of powers has a significantly large proportion of power assigned to the federal government;
- An innovative administrative decentralization system that deals with legislative powers, thereby making the cantons responsible for the administration of a wide range of programmes that may have been established by federal policy; and
- There is a positive record in the management of its multilingual and multicultural activities.

Within the framework of IGR, Schmitt (1994: 364) argues that Switzerland demonstrates all the classical elements of a federal state, for instance, the cantons are listed in the federal constitution, although each has its own constitution. There is a chamber of cantons at the federal level and there is power sharing that allows the cantons to display great competencies. Some of the innovations have evolved from tradition as 'several of the features of the Swiss political system are decided by custom for instance, the linguistic repartition is not provided for in the constitution, but the Latin minority (25% of the population) is usually over-represented by two to three members out of seven'.

In Switzerland, the concept of asymmetrical federalism is applicable although most of it is limited to the existence of the so-called 'half-cantons', which have almost the same rights and duties except that they have only one deputy in the House of Cantons (instead of two) count as half a vote for the constitutional elections'. Schmitt (1994:364)

With regard to the power sharing arrangements, part three of the Swiss Constitution provides for the sovereignty of the cantons, and this is not limited by the federal Constitution. As such, the power is located within the cantons as they exercise all rights that may not have been entrusted to the federal power. In effect residual powers belong to the

cantons (i.e., all powers not specified in the constitution). With regard to the implementation of this power-sharing, one must remember that it is highly complicated, because powers are not listed in a kind of black and white delimitation, but all possible qualities of grey are provided for, from the exclusive powers of the state to the exclusive powers of the cantons, including all possibilities of executive federalism (Schmitt, 1994: 369).

Map 4.3 Map of Switzerland



Source:<http://www.lonelyplanet.com/mapshells/europe/switzerland/switzerland.htm>.

Accessed: 7 March 2006.

### IGR systems: an overview of selected African case studies

This section of this chapter attempts to understand the historical issues that must be considered. This overview anchors the rest of the study by tracing Africa's evolution of the governance systems in the selected countries and some of the factors that may have contributed to some of the quagmire that present day Africa faces. This section addresses the traditional African political systems and their subsequent metamorphosis into "modern" governments, their role as a development agent and facilitator, as well as attempts to address

the myth that Africans need assistance with governance issues, and finally, there is a closer look at intergovernmental relations systems in Nigeria (ECOWAS) and South Africa (SADC).

According to Nnoli (2000: 580), African countries are in general characterised by an attempt to ‘use the apparatus of the government to hasten socio-economic development, and overcome their backwardness.... Part of the constraints in further improving the situation may be traced to the inadequacies of the African public administration’. Clearly, much still needs to be done and achieved as the living standards for most of the continent’s people are unenviable. The study of IGR, therefore, is an important element in understanding the governmental systems and harnessing the lessons that can be drawn from case studies in selected African countries. Considerations of how the lessons learnt can be deployed become valuable knowledge for other countries is also given. This is particularly so, given that the turn around of the delivery machinery of government in the continent rests mainly on the performance of the public sector amongst others.

Drame (1999: 201-210) argues that many states in Africa now face a deep crisis, which may be rooted in the legacy of authoritarian states established during the colonial period and rapidly transferred to the post independence era. It would appear that, given the nature of the African governments, the African society ‘is a long way from trusting the state’. The need for a public service that recognises the need to serve cannot be overemphasized. Hence Drame (1999: 201) concludes that the ‘reform of the structures of power will have to take into account the objective historical considerations in Africa and will have to base itself on the principle of devolution of responsibility to the grassroots communities’. An attempt to achieve the above in a fragmented manner will only result in more complexities that will not

be easily reversed, hence the need to take stock (from a historical perspective) of various elements including the effect of colonialism and other events.

While colonialism may have succeeded in destroying most of Africa's traditional and political institutions it, however, fell short of annihilating African traditional political values and ideas (Mazuri, 2001: 98). The need to rekindle some of those values and ideas as well as interrogate the African culture may actually be the opportunity for a re-birth of the continent. And in order to do this, a working understanding of the indigenous political systems in Africa is imperative. Rubin and Weinstein (1974:11) reinforce this when they note that the ways in which people perceive power are deeply ingrained in their culture as they do not change rapidly, and the student who is not aware of this fact risks superficiality'.

While it may seem as if there was no political system in Africa before European colonialism, because it was not easily discernible to the outsider..., who looked for houses of parliament, supreme courts and the Hansard...' (Rubin & Weinstein, 1974:12-14). The fact of the matter is that Africans had a system of government that had worked for them prior to the advent of the Europeans to the African continent. And in line with a Eurocentric agenda that came to "save" the continent from its "darkness", the documentation that was put together in the West sought to ridicule Africa in various ways, for example:

'While there could be a king of England, the head of the African political system must be a "chief". While there could be a form of "pure democracy" in the New England town meeting, a similar gathering in Africa was called "primitive". The "natives" came to mean the "Africans" in people's minds, although there is no difference between a "native" of New York City and a "native of Ibadan, Nigeria". There are tribes in Africa just as there are twelve tribes of Israel, and just as there are firms of tribes in Europe; but one tended to use "tribes" only in referring to Africa, although some of these tribes were larger than some groups and nations in Europe. The Yorkshire man speaks a "dialect" or a variation of English language, just as the Owerri man in Nigeria speaks a dialect of the Igbo language; but one tended to use the word "dialect" for African languages in order to demote or degrade them. Words like "native" "primitive" 'tribe' and "dialect" can be used, if they are defined and if used impartially without respect to race or continent. The failure by many scholars to explain the universal applicability of terminology was a political act, and they thus played a political role in the colonization and discrimination, no matter what their intentions may have been' (Rubin & Weinstein, 1974: 12-1974:12).

Most pre-colonial African societies had governing structures and demonstrated their abilities to manage and decide their affairs. Evans-Pritchard and Meyer (1940:5-15), divided these African political systems into two categories:

- i. One group had government with centralised authority, administrative machinery and judicial institution in which power corresponded with wealth and status. Examples of these they noted were the kingdom of the Bantus in Southern Africa where the rulers controlled an organised force to uphold their authority.
- ii. The second group had elements of linear decedents but there are elements of age-grade structures, the categorisation or grading of chiefs and titles where kinship groups performed the functions of a centralised authority. The Igbos are an example of this system.

Rubin and Weinstein (1974: 21) note that although the Igbo speaking peoples of Nigeria had no centralised government in memory, the absence of centralised government does not mean a society cannot be complex. Further identifying four viable political divisions that can be seen as governance institutions. These are *umunna* or localised patrilineage, the village, the town and the group of villages.

Having established that political systems existed in Africa prior to advert of “modern governments”, it will be safe to agree with Almond and Powell (1967: 16), who note that the concept of political system goes beyond the state, government and nation, stating that the “role played by formal governmental institutions ... varies greatly. In a particular context, their specific roles may not be as important as those of other institutions and processes hence the need to effectively deal with the administrative framework of the selected countries regardless of governmental system (whether it is unitary or federal) remains an critical. In the following sections, attempts are made to understand and compare

the context in which IGR and political systems operate (Unitary – South Africa, Federalism – Nigeria), consider the peculiarities of the selected countries, political culture, capabilities, conditional mandates, systems maintenance, relationships and the adaptive nature of IGR (Almond and Powell 1967: 23).

### **Understanding IGR: a Nigerian perspective (in ECOWAS sub-region)**

The Economic Community of West Africa States (ECOWAS) is a regional organisation of 15 West African states that was formed in 1975. There were 16 members until the withdrawal of Mauritania from the forum. While the main aim of this forum was to foster economic growth, the political stability and processes in these countries have inevitably affected the pace of attaining the desired goal.

The member countries include Nigeria, Benin, Cape Verde, Burkina Faso, Cote d' Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone and Togo (<http://www.ecowas>, Accessed: the 03 March 2006). Over the years, Nigeria has remained a power house in the bloc and demonstrated its leadership in a number of ways including the deployment of resources to ECOMOG (Economic Community of West African States Monitoring Group) bring about peace in troubles areas of the ECOWAS and beyond.

Map 4.4 Map of ECOWAS



Source: <http://www.ecowas>. Accessed: 3 March 2006.

### **Emergence of IGR in Nigeria – A historical overview**

Nigeria occupies a unique position in the African continent for various reasons. Nigeria is endowed with both human and natural resources that are vital for the achievement of development. Kesselman, Krieger and Joseph (1996: 621) note that ‘resource rich Nigeria has long been regarded as a potential and economic giant of Africa. With its large population, extensive oil and natural gas reserves, a broad agricultural and small industrial base, the country has a solid foundation for the achievement of self-sustaining growth’, a point which is echoed by Ihonvbere & Vanghan (1995: 72), who noted that Nigeria is hailed as the giant of Africa and among one of the few countries in the sub-continent that could be counted upon to provide leadership in modernism, industrialisation and economic growth. Furthermore, Kesselman, et al (1996: 616) note that the study of Nigeria reveals paradox that identifies with African issues ( in its complexity), as it provides an opportunity for the use of many issues confronting other African states as well as many developing countries in Asia, Eastern Europe, and Latin America. Nigeria thus commends itself for careful analysis.

## **Historical and socio-political context**

Nigeria has a large population of over 120 million that could effectively support an economic boom in various facets of the economy, including industry and manufacturing. However, most of Nigeria's resources have come about through the exploitation of natural resources, such as crude oil and liquefied natural gas. A member of OPEC (Organization of Petroleum Exporting Countries), Nigeria is poised to achieve greatness with appropriate political and administrative leadership. At Independence in 1960, Nigeria was a nation of various nations and there was really no common thread that could unify the various "nations" within Nigeria.

Although this worked for the British at colonisation especially with their policy of "divide and rule", it certainly did not help build the nation state Nigeria, especially as the social conflicts among the groupings were deep rooted and continued to deepen over the years. Colonialism left a bitter legacy in all the facets of Nigerian life; 'it empowered certain individuals and groups (and placed groups against groups) and weakened others. It left a heritage of harsh authoritarian domination that instilled the idea that here were two sets of rules: one for the political leaders and another for the citizenry' (Kesselman, *et al*, 1996:615).

Nigeria, which is a multi-cultural and multi-religious nation, opted for the federal system of government as a consensus, but it could be argued that that consensus rose from an awareness that conflict still exists (Ingram, 1990:12). Since independence from the British in 1960, present day Nigeria has undergone several political transitions including: democratic, authoritarian, and several military regimes and a three year civil war. For the most part, Nigeria's experience of colonialism and the hurried development to a nation-state by the colonizers leaves a lot to be desired. The British divide and rule system bred a dangerous political culture and put Nigerians against fellow Nigerians to the benefit of the few – usually the ruling class. This may not have changed in principle although the actors may

have. But unlike in the past where the systems were positioned to serve colonisers, it now serves the privileged in the society. What now exists is a governmental system that seems to serve few individuals and continues to put Nigerians against each other in order to maintain the status quo.

To date, Nigeria has had only three attempts at a democratic government and several military governments. And these attempts are called the first, second and third republics. The first Republic was Nigeria's elected government at independence. According to Robert (1981: 249), Nigeria was one of the more democratic states in Africa in the first years after independence and one of the few genuine federal systems in the world.

Kesselman, *et al* (1996: 620) note that Nigeria's first independent government (or first republican politicians as they are known) was sacked from power through a military coup with ethnic undertones led by General Agui Ironsi in 1966. This coup saw the death of many northern officials as the Igbo's sought to establish their relevance but General Agui Ironsi (an Igbo) was himself killed in a counter coup as civil war erupted. The Biafran war which was a result of tensions between the three major ethnic groups broke out as the Igbo's sought to secede from the nation state- Nigeria. The Biafran war ended in 1970.

At the end of the Biafran war, specifically between 1970 and 1979, Nigeria was again led by military Heads of State. General Yakubu Gowon, was Head of State and Government (1970-1975), until he was removed through a palace coup that brought General Murtala Mohammed into power. In about a year the head of state was killed through an unsuccessful military coup that saw his deputy, General Olusegun Obasanjo take over power and subsequently handed it over to a civilian government in 1979.

The second Republic came about when General Olusegun Obasanjo handed over power to the second Republic of Nigerian politicians in October 1979. The 1979-1983 National Party of Nigeria (NPN) led by Alhaji Shehu Shagari was sacked through a military coup (led by Major General Muhammadu Buhari) who governed the Nigerian Republic from December 1983 to August 1985. His term was short-lived when he was overthrown through a coup by fellow military men led by Major General Ibrahim Badamosi Babangida. While in power, Babangida announced a prolonged seven-year transitional programme to democracy, which was finally derailed in 1993. The turning point was when the elections of 12 June, 1993, widely believed to have been won by Nigeria businessman, Alhaji M.K.O Abiola were annulled. With a threat of massive civil disobedience and no further room for deceptive manoeuvres, the Babangida government installed Ernest Shonekan as the civilian caretaker president in August 1993. Three months later, the then defence minister, General Sani Abacha seized power in November 1993 until his death, when a caretaker leadership was installed until civil rule returned at the turn of the century.

From the above it can be stated that 25 years of Nigeria's post independence period has been under military rule. Military rule by nature suffocates democratic tendencies as it does not nurture citizen participation, or embrace accountability but rather stifle and oppress civil liberties as the leaders choose including the suspension of the constitution. Given these long periods of military, this has bred a political culture rife with apathy and a lack of confidence in government's ability to cater for the non-privileged in society.

Nigeria's political quagmire has been complicated by the ethnic politics that have been utilised to turn the ethnic groupings against one another as in the case of General Babangida who sort to play the ethnic card after the annulment of MKO Abiola's election in 1993. When Babanigida annulled the 12<sup>th</sup> June 1993 elections, he followed up with a set of actions

aimed at restricting the political terrain, containing civil society and redefining the nature of politics based on manipulation, entrenched ethnic, regional and religious consciousness in the country (Wiseman, 1995: 80).

Having briefly sketched the context, an analysis demonstrates that Nigeria's first constitution, established a federal governmental structure largely as an attempt to accommodate the culture of diversity, as the nationalist fragmentation that had come through the pre-independence struggle (Almond & Powell, 1967: 294). The federal government which was run by the cabinet and the parliament was nominated by the dominant party in northern Nigerian, namely, NPC (Nigerian Peoples Congress). The other parties were effectively reduced to regional parties. In the East, where the Igbos were located, the NCNC (National Convention of Nigerian Citizens) led by Nnamdi Azikiwe was in charge. While in the West, where the Yoruba are found, the ruling party was known as the Action Group (AG), as was led by Chief Obafemi Awolowo.

What transpired in reality as a result of these regionalised governments, was that there developed at least two distinct administrative cultures and attitudes. There were two broad divides – the North and the South. Given the minority and majority politics, attempts to maintain the system were largely kinsmen based in that the Yoruba or Igbo man used whatever opportunities existed to recruit more of their people in order to shift the balance of power from the Hausa who, in turn, fought very hard to keep the system in their favour.

The Northern culture on the one hand was highly traditional in outlook with elements of strong religious influence. This is seen even in the present day Nigeria with some of the states having implemented the Sharia law while the Southern Nigeria outlook appeared more participatory, given the influences of their traditional political system, which was

government by discussion and consent (Almond & Powell, 1966:293). In present day Nigeria, what you find is a situation where governance issues cause further divisions making it a necessity to evolve a stronger IGR system that is able to absorb and manage those tensions. The need for intergovernmental relations as provided for in the Nigerian Constitution suggests that there are competing centres in the Nigerian polity. Hence an approach that identifies these power in the Nigerian society with a view to determining with whom they compete, for what reasons and how these can be mediated should remain the aim for the evolution of the Nigerian intergovernmental system.

Also with the North dominant at centre of government with underlying ownership rights, the West and the East focused their energies primarily in ensuring sustenance for their regional governments, as working for the federal government effectively meant working for the Northerner. Moreover, the religious differences were sharp as the North was Islamic and the West and south were largely made up of Christians.

While the tensions discussed above do exist, the administrative and managerial challenges still remain. For instance, the capacity of the public service and the level of civil society involvement make things even more complex in Nigeria. Given the multifaceted nature of the challenges that face the Nigerian Public service, the apathy and mistrust of the population signals that the public service rarely ever enjoyed popular support as a result of their record of lack of delivery record over the years. In order to address this lack of delivery, an intergovernmental system that strives for and attains a strong regulatory capacity, as well one that is competent to manage delivery has to be continually strengthened but even more so, such a system must strong elements of decentralization.

### **Nigerian IGR constitutional mandate**

The act of classifying systems according to the geographical location of power results in three possible systems: confederal systems at one extreme, unitary system at the other extreme and the federal system in the middle. The unitary system concentrates power and authority at the centre, but the level of centralised power may differ from one system to another. And this is largely determined by the spheres of public policy that have been accorded by the constitution. In reality, the systems of government implement varying degrees of decentralisation. For instance although South Africa and Britain may be classified as unitary systems, South Africa has extensive elements that it has borrowed from the federalist mode of government.

Herperger (1991: 6) argues that Nigeria's federal constitution can be traced back to the constitution of 1954 which initially comprised three regions and then this was changed to four regions, with three regions in the South and one in the North. He adds that 'the original constitution provided for two lists, one exclusive to the federal and the other concurrent with residual powers lying at the regions', but this has been revised in the current constitution with its redrafting in 1989.

The Nigeria federalist system appears to follow the USA example where federalism is seen as a contract in which states join together to form a central government with limited functions. In Nigeria, the centre remains powerful, especially with regard to the function of raising and distribution revenue. However, states retain separate areas of independent action. For instance there are states in the North that have chosen to implement Sharia laws sighting independent actions as provided by the constitution. The Nigerian constitution has always been pro-consensus, which has been exploited by various stakeholders for various reason. The implementation of the Sharia provides an example. According to Soyombo and

Ogunlade (2001:56), ‘the Sharia issue is one of the constitutional issues that the constitution has not helped to resolve. Proponents and opponents alike have managed to come up with some kind of constitutional backing for their positions, interpretations and actions’.

In general, it should be added that while the constitution of some countries may be almost faultless on paper, the manner of implementation and interpretation does pose some challenges. Given the fact that the constitution shapes the landscape for governmental interaction, it is appropriate to engage in a discussion of the Nigerian constitution. As already stated, the Nigerian constitution has evolved from the amalgamation of Northern and Southern Nigeria in 1914, through to the Clifford’s constitution in 1922, the Richards’ constitution of 1946, the Macpherson’s constitution of 1951, the first republic constitution (1960), the Republican constitution (1963), the 1979, and the 1999 constitution that is hailed by Joye and Igweike as:

‘novel of constitutional making in Nigeria... largely because they spelt out the philosophical or ideological justification of the Nigerian state, the ideal goals and objectives for the attainment of social and economic order. They argue that spelling them out in the constitution provides a yardstick for judging the performance of any government. It invests them with the quality of constitutional directive to the organs of the states to inform and guide their actions by reference to the declared principles’ (1982: 48-49).

Elaigwu (1994: 40) notes that, in the Nigerian federal system, the powers of the federal, state and local governments are clearly spelt out in the 1979 constitution, specifically the second schedule Parts 1 & 2 (exclusive and concurrent lists). This delimitation of power is necessary to facilitate accountability and to minimise overlaps in governmental administration.

Chapter 1 of the 1999 constitution of the federal Republic of Nigeria deals with the general provisions (see Appendix 1), while Chapter 2 (Appendix 2) spells out the fundamental

objectives and directive principles of state policy. Some of these provisions relate directly to IGR and these include:

- Section 14 (2c) notes that participation by the people in their government shall be ensured. This includes the interaction of the representatives of the people across all the levels of government in order to arrive at joint decisions for matters that affect all;
- Section 14 (3) notes that the composition of the government of a state, local government council or any of the agencies of such government or council, and the conduct of the affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be a predominance of persons from a few States or from a few ethnic or other sectional groups in that government or any of its agencies;
- Section 14 (4) notes that the composition of the government of a state, local government council, or any other agency of the council or government shall be carried out in a manner that promotes and recognises the diversity of the people within the area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation;
- Chapter 5 Section 80 (1) notes that all revenue or other moneys raised by the federation ( not being revenue or other monies payable under the constitution or an act of the National assembly into any other public fund in the federation, and established for a specific purpose) shall be paid into and form one consolidated Revenue Fund of the federation;
- Chapter 6, Section 206 allows for the establishment of state civil service, in addition to the federal civil service ( Appendix 3);

- Second Schedule (Part 1- Appendix 4) spells out the exclusive legislative lists while Part 2 (see Appendix 5) deals with the concurrent legislative list and the functions of Local government as spelt out by the constitution; and
- Chapter 6, Section 153 (1) pronounces the establishment of certain federal executive bodies. These are a Code of Conduct Bureau, Council of State, Federal Character Commission, Federal Judicial Service Commission, Federal Civil Service, National Defence Council, National Economic Council, National Judicial Council and National Security Council among others.

For the purposes of this work, some IGR institutional structures that have strong IGR relevance are discussed in the following section.

### **Nigerian IGR Institutional structures**

In the Nigerian situation, the role that IGR plays has been recognised. The establishment of a number of institutions, some of which are discussed below, are viewed by Elaigwu, Logans and Galadima (1994: 54) captures as an attempt to ‘smoothen the raw edges of complex political arrangements’.

#### *National Council of IGR*

The key functions of the National Council of IGR as captured by Elaigwu *et al.* (1994: 54-76) are as follows:

- i. Monitoring the operation of the Nigerian federal system and recommending necessary improvements;
- ii. Studying such problem areas that would create or are likely to create tensions for the federal stem and making appropriate recommendations to the various levels of government or relevant institution;

- iii. Appraising the various dimensions of IGR and making recommendations as to how to
  - Improve efficiency in the administration of the federation
  - Improve taxes and ensure equitable distribution
  - Enhance cooperation among the three tiers of government (federal, state and local government) as well as among laterally units at all levels of government;
- iv. Studying and evaluating the functions and powers of the various tiers of government, in light of the changes in the federal system and making recommendations for adequate legislative and administrative acts as well as effecting necessary adjustments;
- v. Playing mediatory roles towards resolution of conflicts; and
- vi. Promoting the involvement of various institutions, the activities or functions which affect IGR at federal, state and local government levels of government.

#### *National Association of Local Government*

This body functions as an inter-local government structure for facilitating IGR and cooperation. This is achieved through regular meetings and exchange of ideas among Heads of Local Government (also called Local Government Chairmen). However, it should be noted that this body evolved in the defunct Western Region of Nigeria and has since struggled to attain a truly embracing and widespread federal character in terms of its outreach. The aims of this structure are to:

- i. Watch over the interests, rights and privileges of local governments as provided for by legislation and adhere to regulations made by the various governments, departments, or parastatals which may apply to local governments in one form or another
- ii. Obtain and disseminate information on matter of importance to the various local government areas
- iii. Serve as a consultative body signifying the representative opinion of Local Government throughout the federal Republic of Nigeria

- iv. Promote and protect the autonomy of local governments
- v. Contribute towards the improvement of local government administration
- vi. Study questions concerning the management, activity and the welfare of their citizens
- vii. Take such actions as deemed desirable in relation to subjects in which local government may generally be interested.

#### *The Council of State*

This body is provided for by the 1999 constitution of the Federal Republic of Nigeria. It is a key structure for the management of IGR in Nigeria. It comprises of the current as well as some past key executive officers of the federation. The chairperson is the President of the country and the Vice President is the vice chairman. Other members include all past Presidents and Heads of state of the country, former Chief Justices, the Senate President, the Speaker of the House of Representatives, all the governors of the states and the Attorney General of the federation. The functions are however very broad as they range from census, publications, information keeping, prerogative of mercy, the award of national honours, appointment of National Electoral Commission (NEC), matters pertaining to the Judicial Council, National population and advise to the president on any relevant matters.

#### *The Federal Character Commission*

This Commission is also provided for in Part 2 of the Schedule as contained in 1999 constitution of the Federal Republic of Nigeria. It comprises a chairperson and representatives from all the 36 states of the Federation as well as the Federal Capital territory – Abuja. The chairperson is appointed by the President and the appointment is ratified by the House of Senate. The key functions include:

- A mandate to work out an equitable formula (subject to the approval of the National Assembly) for the distribution of posts in the Public Service of the Federation and the

States, the armed forces, other government security agencies, government parastatals and companies

- Promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government
- Take such measures as necessary including the prosecution of the head or the staff of any ministry or agency of government which fails to comply with the federal character principle.

### **Understanding IGR: A South African perspective (in SADC sub-region)**

The Southern African Development Community has been in existence since 1980, although it was initially known as the Southern African Development Coordination Conference. It was formed in Lusaka, Zambia, on the 1 April 1980 after the adoption of the Lusaka Declaration and the treaty was signed by all participating heads of states. The main objectives were to promote political and economic well-being of member states.

The member countries included Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mozambique, South Africa, Swaziland, Tanzania and Zimbabwe ([www.sadc.int/english/about/profile/index.php](http://www.sadc.int/english/about/profile/index.php). Accessed: 3 March 2006). South Africa, since the demise of the apartheid government in 1994, has played and continues to play a prominent leadership role towards the attainment of the objective of the forum. South Africa recognised its economic prosperity is inevitably linked with the economic success of its neighbours hence the strategic objectives of growing regional trade and pursuing economic growth in the region is paramount importance.

**Map 4.5** Map of SADC



Source: <http://www.sadc.int>. Accessed: 3 March 2006.

### **Emergence of IGR in South Africa – a historical overview**

The emergence of IGR in South Africa can be traced back to the early nineteenth century with the amalgamation of the two British colonies (the Cape & Natal) being placed under a common governor who represented the British government in 1910. With the amalgamation under a common governor, the government system changed from a Westminster system (with centre and local authorities) to one that as three tiered.

Levy and Tapscott note that:

‘the origin of the contemporary system of intergovernmental relations in South Africa can be traced back to the South African Constitution Act of 1909.... which sort to accommodate the political identities of the four separate entities, the model departed from the two tiered Westminster system and interposed a tier of provincial government (comprising four provinces) between National and local government’ (2001: 3).

The provincial councils derived their powers from the relevant South Africa Acts but the real locus of power lay in the office of the administrator who was appointed as an agent of

the central government. The relationship between the states and the local authorities on the other hand was often conflictual (Levy & Tapscott, 2001:4). In the closing stages of the apartheid era intergovernmental relations, there were increased administrative inefficiencies, growing corruption and minimal popular legitimacy.

With the establishment of a democratic government in South Africa, the 1996 Constitution, addressed various the issues. The new constitution took into consideration the inequalities that had evolved over the years as a result of the discriminatory nature that the past South Africa governments had adopted. CODESIA negotiations considered the manner in which government will concentrate or devolve power in the new democratic state. Specifically, the question was, should the new democratic state be federal or unitary in nature?

Attempts were made to strike a careful balance, as it was argued that too much devolution of power would weaken the centre in an effort to create a new democratic society while too much centralisation of power at the centre could mean taking power way from the people. Ultimately, a unitary state with strong federal elements evolved and a new system of IGR alongside new structures were considered in order to enable service delivery. According to Levy and Tapscott (2001: 1), 'the ending of apartheid and the transition to democracy in South Africa brought with them fundamental changes to the form and function of the state. In particular, they brought a restructuring of intergovernmental relations and a redefinition of the responsibilities of the different spheres of government'.

### **South African IGR constitutional mandates**

The nature of intergovernmental relations in South Africa has shifted considerably in the last few years with specific regard to the provision of the bill of rights, power-sharing mechanisms between spheres, the execution of assigned roles in the new democracy and the

promotion of cooperative government. A fundamental component of the 1996 Constitution of the Republic of South Africa is that the relationship of the spheres of governments is clearly spelt out as *distinct, interdependent and interrelated* (see Chapter 3 – Appendix 6) and the provision related to Public Administration in Chapter 10 (see Appendix 7) . It further requires the three spheres of government to function with a framework known as three principles of cooperative government. The above set the scene for a non-competitive governmental structure. However, given the fact that the intent captured in the constitution has to be made a reality and within the scope of intergovernmental relations, attention needs to be paid to the statutory bodies (with 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 *et al.*, 2002: 45).

The following provisions of the 1996 South African constitution set the boundaries for its management. These provisions include:

- The respect of constitutional status, institutions, powers and functions of government in the spheres (S 41(1) (e));
- Non-assumption of powers except those conferred by the constitution (S 41(1) (f));
- Non-encroachment of powers and functions (S 41(h) (1)(g); and
- Mutual cooperation that seeks to reduce frictions and legal proceedings against each other (S 41 (1) (h)), S (239) & Section 41 (3).

From a South African legislative perspective, bodies that play significant roles in the intergovernmental relations framework include are the National Assembly and the National Council of Provinces. The aim of promoting intergovernmental relations through the National Council of Provinces among others is to ensure that the distinctness of

governments is pursued in service delivery at various levels. In addition, the cooperative and interrelated elements ensure a national focus and provide clarity for each arm or sphere of government to ensure that the operations of each are smooth without necessarily overstepping their bounds. Beyond the legislative bodies that provide the framework for interaction, there is a host of other structures that exist to promote intergovernmental relations, most of which are discussed under the institutional arrangements for intergovernmental relations.

With the spheres of government being distinctive, interdependent and interrelated critics such as Klaaren (1995: 5) argue that cooperative governments could compromise efficiencies as the lowest common denominator invariably become acceptable standards. They can lead to excessive delay as governments work towards agreement. This may not be too far from the South African experience as the government of the day strives to find its own balance between autonomy and interdependence, centralization and decentralization, competition and consensus.

With regard to the institutional and structural arrangements to support IGR, it would appear that in South Africa, there is a clear attempt to direct all energies towards non competitive, cooperative governance through the intergovernmental relations forums and structures that have been created.

### **South African IGR institutional structures**

The executive plays a major role in intergovernmental relations in all countries and intergovernmental mechanisms involve the executive arm of government making binding agreements, sometimes written and other times, through informal liaison with public servants. With regard the coordination and adjustment of administrative relations in various

countries, Opeskin (1998: 21) notes that this gives rise to several mechanisms for intergovernmental relations. In South Africa, the coordinating structures could be divided into two broad categories (Thornhill *et al.*, 2002: 106); structures established in terms of the constitution or other legislation and structures established by a decision of an executive or institution. Examples of these coordination bodies may be found within a particular sphere or may be located to function in across government spheres. These major intergovernmental relations forums include:

#### *The National Council of Provinces*

Although the name National Council of Provinces may suggest otherwise, the area of operation transcends all the spheres of government, namely national, provincial and local. The national Council of Provinces is made up of ninety members, with ten delegates from each province for a term of five years (Thornhill *et al.*, 2002:104). The ten delegates from each province comprise four delegates consisting of the premier or his/her representative and three special delegates. The other six seats are made up of party representatives through a proportional representative system. The body is set up by Section 42 (1) of the Republic of South Africa Act 1996.

A chairperson is elected from the delegates and is assisted by a Deputy Chairperson. These are annually rotated yearly among provinces. Other *ad hoc* members include cabinet ministers and their deputies as well as representatives of different categories of municipalities of the South African Local Government Association (SALGA) but these members may not vote.

The creation of this body is grounded on the provision of the Constitution that allows for sphere distinction, interdependence and co-operation. This body thus, seeks to promote the interactions that exist as all provinces can be said to be symmetrical in their operations except when interventions are necessary. The structure has its own secretariat and makes arrangements to operate as effectively as possible within the prescribed framework such as the adherence to Sections 70(1), 70(2) and 75 of Act 108, 1996 (Thornhill *et al.*, 2002:3). In circumstances where there is a dispute with the National Assembly, the Mediation Committee is mandated to negotiate the terrain.

While an attempt is made to capture the salient roles of this forum, it is important to note that stakeholders lacked clear understanding of the expected roles and responsibilities and frankly admitted that they did not quite know where to “turn” in order to receive the clarification that they sought (Report of the National Council of Provinces, 1998: 4). The National Council of Provinces is a coordinating body that promotes intergovernmental relations at national, provincial and local levels. As a constituent part of the legislature, it may consider or initiate legislation that falls within its areas of functionality and pass or reject bills that are tabled before it, especially legislation relating to concurrency, that is, Section 76(3) of the Constitution (Kuye *et al.*, 2002: 2), and where necessary, it may propose amendments to existing bills.

The National Council of Provinces has a control mechanism for the various organs of government and ensures the execution of policy and administrative directives and the provision and utilization of the necessary resources to attain policy objectives (Gildenhuis & Knipe, 2002: 290-295). Thornhill (2002: 9) adds that, in executing administrative responsibility, the structure is charged with resolving any disputes that may arise.

The National Council of Provinces seeks to promote provincial interests in National Government and at the same time ensures that minimum functional and delivery standard exists across the country. When provinces do not meet the expectations in terms of their mandate to the people of the province, then this body actually ensures that sanctions and the interception of certain provincial powers are implemented through the application of section 100 (when a province cannot and does not execute executive responsibilities) and 139 (where a municipality cannot or does not execute executive responsibilities) should and when the need arises.

Execution of functions must be in line with the principles of cooperative governance as this provides the framework for the actions of the governance structures. The South Africa IGR system appears to have evolved from the European federalism that expresses solidarity, a shared commitment to a united society. As captured by Thornhill (2002: 39), it may require the provincial executive to appear before it and explain policy decisions and administrative actions thereby acting as an important avenue for information flow and enhancing communication processes. Pottie (2000:40) notes that the NCOP serves as bridge between national and provincial power, although the ability of the provincial legislature to structure and affect their power has demonstrated a rather mixed record. Below is a table reflecting a summary of the roles that the National Council of Provinces plays in strengthening intergovernmental relations.

Table 4.1 Summary of the roles of provincial members in the NCOP

<b>Provincial role player</b>	<b>Roles and Expectations</b>
Premier	<ul style="list-style-type: none"> <li>▪ Determine provincial interest in legislation</li> <li>▪ Ensure effective participation and proper management of NCOP business</li> <li>▪ Oversight function on provincial matters</li> </ul>
Member of Executive	<ul style="list-style-type: none"> <li>▪ Provide channels of ripple effect on decisions made in the house</li> <li>▪ Involve various stakeholders at various levels of the legislative process</li> <li>▪ Promote flow of information when necessary</li> </ul>
Speaker	<ul style="list-style-type: none"> <li>▪ Overall overseeing of the provincial communication and legislative processes</li> <li>▪ Present and protect mandate from the province</li> <li>▪ Qualify the provincial needs with regard to participation in the NCOP</li> <li>▪ Monitor the participation and feedback from special delegates</li> <li>▪ Ensure provincial mandates are carried through</li> <li>▪ Follow programme implementation at provincial levels</li> </ul>
Permanent delegates	<ul style="list-style-type: none"> <li>▪ Participate actively and monitor priority bills, especially in Section 75 debates.</li> <li>▪ Reporting</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Negotiate amendments with other provinces on Section 76 bills and seek common solutions to generic problems</li> </ul>
<b>Special delegates</b>	<ul style="list-style-type: none"> <li>▪ Enhance information flow after plenary briefings and sessions</li> <li>▪ Negotiate, in conjunction with permanent delegates, a common position on issues mandated to them</li> </ul>

Source: (Report of NCOP, 1998)

### *Budget council*

The nature of this forum suggests that its mandate is clear and targeted. Although the budget council does not make decisions with regard to the allocation of funds, as this is the role of the treasury, it certainly does add value to the entire process. For instance, it provides an opportunity for skills transfer and capacity building. The budget council consults on a range of matters such as:

- Financial matters affecting provinces including budget, management of financial resources and fiscal related issues; and
- Any issues that the Minister of Finance has referred to the body for consultation and debate.

The budget council also informs provinces about policy directions, generates debates with a view to reaching some level of consensus (Levy & Tapscott, 2001: 101).

### *President's Coordinating Council (PCC)*

The formation of the PCC in October 1995 was largely to enable the leadership of the provinces (the Premier and the Exco) to act in a cooperative and collective manner by giving

effect to policy, ensuring that development enabling standards are properly managed across the board and promote good governance through the strengthening of synergies between the national and provincial governments. According to Levy and Tapscott (2001: 89), some of the key responsibilities of this forum include:

- Oversight over integrated planning;
- Avoidance of interventions under Section 100 and 139 of the constitution;
- Containing the adverse consequences of the demarcation process; and
- Managing cross-boundary municipalities collaboratively.

*Intergovernmental Relations Committee(s) of Ministers and Members of Provincial Councils (MINMECS)*

This body seeks to facilitate and synthesise the activities of a specific sectoral minister at a national level and those of their respective nine MECs at a provincial level. The main functions of this forum according to Levy and Tapcott (2001: 91) include:

- To promote a common understanding of policy and strategic directions in a particular sector through targeted clustering;
- To encourage co-operation, alignment and coordination amongst levels of government;
- To inform policy and share and learn from each others' experiences;
- To management concurrent responsibilities; and
- To allow for a greater understanding of provincial peculiarities with an aim to enable the provision of appropriate support when and if necessary.

## **Presentation of selected IGR issues within selected cases in Nigeria and South Africa**

This section seeks to profile selected IGR cases in Nigeria and South Africa. An attempt will be made to profile four cases per country as this provides the basis for a comparative study. The cases are presented within the framework of the public administration functions and in addition, the emerging issue(s) for that particular case is identified. The researcher has noted that although the case may have been presented with a particular public administrative function as guide, it appears that most of the challenges within the cases are not exactly linear in nature. This has necessitated that the analysis be undertaken in light of other insights that emanate from the cases, all of which are discussed in Chapter 5.

These cases presented relate to intergovernmental relations differently. In various instances the nature of the cases may focus on the management of IGR within a sphere or level of government, in other instances the case may relate to the management of intergovernmental relation across spheres and sectors or may even straddle relationships among spheres or level, and sectors including the non governmental organisations (NGOs) or a selected community.

Table 4.2 Nigerian case study 1: Service delivery in the electricity sector

<b><u>Nigerian Case study 1: Service delivery ( electricity generation and distribution in Nigeria)</u></b>	
<p><b>Brief:</b> Aimed at examining the manner in which the relevant agencies across the federal and state levels of government work together to ensure effective and efficient generation and distribution of steady power supply to the public.</p>	
<b>Context / Key role players</b>	<b>Emerging complexities</b>
<ul style="list-style-type: none"> <li>• Federal Government of Nigeria</li> <li>• State Governments</li> <li>• Local Government areas</li> <li>• Nigerian Electric Power Authority</li> <li>• Power Holding Corporation of Nigeria</li> <li>• Gas producing companies</li> </ul>	<ul style="list-style-type: none"> <li>• Synthesise the generation and distribution efforts with regard to power supply</li> <li>• Vision and role clarification</li> <li>• Performance monitoring and evaluation.</li> <li>• Sector strategic leadership and coordinating capacity</li> <li>• Sustaining stakeholder engagement</li> <li>• Reorganization and alignment</li> <li>• Reporting and organising systems</li> <li>• Coordination mechanisms</li> <li>• Policy formulation and inputs channels</li> <li>• Policy implementation and evaluation</li> <li>• Leadership, ethics and accountability</li> <li>• -Effective budget utilisation</li> </ul>

Table 4.3 Nigerian case study 2: Service delivery in the housing sector

<b><u>Nigerian Case study 2: Housing provision</u></b>	
<p><b>Brief:</b> Aimed at examining the manner which the housing mandate of government is executed by all the three tiers of government, in a manner that ensures that efforts and resources are synchronized towards a common goal.</p>	
<b>Context / Key role players</b>	<b>Emerging complexities</b>
<ul style="list-style-type: none"> <li>• Federal Ministry of Housing and Urban Development</li> <li>• State Governments</li> <li>• State Ministry of Housing Development</li> <li>• Local Government areas</li> </ul>	<ul style="list-style-type: none"> <li>• Development and alignment of Sphere planning frameworks</li> <li>• The extent and manner in which these plans contained and agreed at federal and state levels are devolved to various authorities and support given</li> <li>• Management of communication across all tiers of government in the federation</li> <li>• Project management</li> <li>• Reporting, monitoring and evaluation mechanisms in place</li> <li>• Amongst others, the leadership and coordinating capacity of the sector to initiate and to ensure that sector plans are sustained</li> <li>• Sustaining stakeholder engagement</li> </ul>

Table 4.4 Nigerian case study 3: Service delivery in the water sector

<b><u>Nigerian Case study 3: Water provision</u></b>	
<p><b>Brief:</b> Aimed at assessing the efforts of the various tiers of government in providing water, a very basic need, to the populace. This need to deliver this function is even more vital given that safe water provision being identified as one of the UN millennium goals.</p>	
<b>Context / Key role players</b>	<b>Emerging complexities</b>
<ul style="list-style-type: none"> <li>• Federal Ministry</li> <li>• State Governments</li> <li>• State Ministry of Housing Development</li> <li>• Local Government areas</li> <li>• Water Utility Boards</li> </ul>	<ul style="list-style-type: none"> <li>• Optimal utilization of resources including the need to attract right personnel</li> <li>• Political and administrative interface in the attainment of the desired state of affairs</li> <li>• Development, support and alignment of planning frameworks</li> <li>• Management of communication across all tiers of government in the federation</li> <li>• Project management</li> <li>• Management of service providers</li> <li>• Project coordination, reporting, monitoring and evaluation mechanisms in place</li> <li>• Result oriented leadership and coordinating capacity of the sector initiate to ensure that sector plans are sustained</li> <li>• Interface with other related sectors e.g. Health</li> </ul>

Table 4.5 Nigerian case study 4: Project initiation and management in the NDDC (Niger Delta Development Corporation)

<b><u>Case study 4: Projects initiation and management in the NDDC:</u></b>	
<p>Huge amounts of resources have been available for the upliftment of the lives of the mineral producing areas in the Republic of Nigeria. Over time, a number of projects have been initiated, most of which are perceived as wasteful. The extent to which the various projects have improved the livelihood of these people of the Niger Delta and the extent to which the tiers of government have taken advantage of the facilitative opportunity of IGR in the management of these resource areas is the subject of investigation.</p>	
<b>Context / Key role players</b>	<b>Emerging complexities</b>
<ul style="list-style-type: none"> <li>• All NDCC states</li> <li>• Ministry of Petroleum</li> <li>• Ministry of Environmental Affairs</li> <li>• Ministry of Finance</li> <li>• Ministry of Planning</li> </ul>	<ul style="list-style-type: none"> <li>• Even representation of key players (NDCC members) in the various key structures at both national and at local sites. Including access and control of critical resources</li> <li>• The role of the various sectors e.g. health, education, social development, public works etc.</li> <li>• Gender awareness and representation issues</li> <li>• Management of the relationship among the various tiers of government</li> <li>• Standardization of policy framework for training and recruitment</li> <li>• Management of feedback process for project success, effectiveness and efficiency</li> </ul>

Table 4.6 South African case study 1: Housing Provision

<b><u>South African Case study 1: Housing provision</u></b>	
<p><b>Brief:</b> With the a constitutional mandate to provide basic housing, the National and Provincial Departments of Housing have to work together to ensure that the targets are met by providing leadership on this matter for all spheres of government involved to ensure delivery. This case shows the intricate network and interdependence among and between spheres if the housing mandate is to be met. In the recent past, with government struggling to meet the targets that it had set and communicated to the people, there have been a number of demonstrations by the public over government's delivery pace.</p>	
<b>Context / Key role players</b>	<b>Some emerging Issues</b>
<ul style="list-style-type: none"> <li>• Nelson Mandela Metro</li> <li>• Eastern Cape Provincial Government</li> <li>• Buffalo City Municipality</li> <li>• Amatole District Municipality</li> <li>• Eastern Cape Department of Local Government, Housing and Traditional Affairs</li> <li>• National Department of Local Government</li> <li>• National Department of Housing</li> </ul>	<ul style="list-style-type: none"> <li>• The development of settlement plans requires the input of a number of sectors including health, education, social development, public works and so on.</li> <li>• The housing mandate cuts across all the spheres of government. In addition it involves category B and C Municipalities (within the Local government sphere)</li> <li>• Amongst others, the coordinating capacity of the Eastern Cape Department of Housing, Local Government and Traditional Affairs (DHLTA) has been investigated</li> <li>• Management of roles and a clear framework of operationalising the housing project, with regards to issues of resource allocation and budgeting,</li> <li>• To what extent the project has allowed for multi sector and sphere planning as well as an integrated planning approach (IDPs of local municipalities and district municipalities,</li> </ul>

	<p>PGDP of the Eastern Cape and strategic plans of departments involved).</p> <ul style="list-style-type: none"><li>• Communication management (horizontally, vertically, across spheres and across sectors)</li><li>• Management of participation</li></ul>
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Table 4.7 South African case study 2: Functional integration across the DoH

<b><u>South African Case study 2: Functional Integration across the DoH</u></b>	
<p><b>Brief:</b> Charged with a responsibility to deliver quality health care, the DoH sought to reorganize itself in a manner that will bring about comprehensive and integrated health care across all spheres of government. This required a strong coordination and alignment of processes in order to manage fragmentation across all national, provincial, district and local authorities.</p>	
<b>Context / Key role players</b>	<b>Emerging Issues</b>
<ul style="list-style-type: none"> <li>• Local municipalities</li> <li>• District municipality</li> <li>• Eastern Cape Provincial Administration</li> <li>• DoH</li> </ul>	<ul style="list-style-type: none"> <li>• Communication (timeous and accurate)</li> <li>• Transparency and accountability</li> <li>• Alignment and Reporting</li> <li>• Oversight and control across various spheres</li> <li>• Budgeting for delivery</li> <li>• Interface with related sectors; Department of Education, Social Development especially on issues related to PHC</li> <li>• Politics and administrative dichotomy</li> <li>• Role of leadership in providing strategic direction for improved service delivery</li> <li>• Integrating sub-systems towards a common objective</li> <li>• Setting and adhering to national standards</li> <li>• Monitoring and reporting</li> <li>• Relevance of checks and balances</li> </ul>

Table 4.8 South African case study 3: Programmes/projects coordination

<b><u>South African Case study 3: Improving policy implementation delivery through coordinated programmes /projects</u></b>	
<p><b>Brief:</b> Government has sought to improve delivery through the utilization of programmes and projects to deepen the thrust and impact on policy implementation across various spheres. The Project Consolidate programme through the urban renewal project and requires spheres of government to work together in a coherent fashion on targeted projects.</p>	
<b>Context / Key role players</b>	<b>Emerging issues</b>
<ul style="list-style-type: none"> <li>• National Department of Provincial and Local government</li> <li>• Provincial government</li> <li>• Municipalities</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibility of “government” to meet tax payers’ expectations regardless of the sphere of delivery.</li> <li>• Improved need for efficient project implementation to meet service delivery imperatives</li> <li>• Communication management</li> <li>• Managing conflicts in IGR</li> <li>• Policy implementation and adherence</li> <li>• Planning (inter-sectoral)</li> <li>• Nepotism and corruption in the Public Service</li> <li>• Leadership in the Public service</li> <li>• Managing racial tensions in Public Administration</li> <li>• Politics and Administrative dichotomy</li> <li>• challenges of rapid urbanisation</li> </ul>

Table 4.9 South African case study 4: Delivery in the agricultural sector

<b>South African case study 4: Organizing for optimal delivery in the agricultural sector</b>	
<p><b>Brief:</b> The massive food programme is one of the key programmes in the Eastern Cape Department of Agriculture. The manner in which a programme, such as this, is planned and organized, is bound to contribute to its success or lack of it.</p>	
<b>Context / Key role players</b>	<b>Emerging complexities</b>
<ul style="list-style-type: none"> <li>• Eastern Cape Department of Agriculture</li> <li>• NGOs</li> <li>• DoA Service providers</li> <li>• Municipalities in the Eastern Cape</li> <li>• National Department of Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Sector planning and optimal stakeholder involvement engagement is critical (including involvement of municipalities)</li> <li>• Systems development and maintenance</li> <li>• Integrating sub-systems towards a common objective</li> <li>• Setting of and adherence to national standards</li> <li>• Monitoring and reporting of plans and subsequent activities</li> <li>• Capacity to cascade plans beyond the PGDP and departmental strategic plans to delivery sites</li> <li>• Possibility of engaging other governmental departments towards a broader mandate such as the Department of Health and Social Development</li> <li>• Role clarification</li> </ul>

## Chapter Summary

In this chapter, an attempt has been made to sketch the context in which this research is located. The researcher reflected on selected IGR international cases from Switzerland, Australia and Canada. It appears that with regard to IGR arrangements, the local peculiarities always determined the manner and shape of IGR arrangements. In the African context, the research has broadly sketched the mode of governance and political and administrative organisation, from pre-colonisation and tracked the metamorphosis to the current status in the selected countries; Nigeria and South Africa. Nigeria and South Africa have both been selected for this study for a number of reasons, including the fact that these are well resourced nations (financial and human), and could lead the way in shaping and championing the turn around that is sought in most African countries. Also, an understanding of the governance challenges that face these diverse nations can become lessons for the rest of the continent.

The researcher has identified and presented IGR issues within selected cases from Nigeria and South Africa. These IGR issues identified, all fit within the key public administration functions such as policy making, planning, control, coordination, communication, staffing, budgeting and leadership. These issues will be further contextualised for better understanding, taking into consideration the guiding public service delivery in Nigeria (SERVICOM) and that of South Africa (Batho Pele). These would provide the focus of the in-depth analysis that follows in Chapter 5. In understanding the legislative and administrative processes that provide for intergovernmental interactions in the governance realm, the research suggests a great deal of complexity as the functions present themselves in multi rather than in single nodes across national, state (as they are called in Nigeria) or provinces (as they are called in South Africa) as well as with local government authorities or municipalities.