

Intergovernmental Relations and the birthing of Collaborative Governance in Nigeria

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Abstract.

Federal systems are always confronted with the basic question of who does/shall do what? Though, such a paradigm has been challenged by not only external (e.g. elements of globalization) and internal (e.g. the need for more effective policy outcomes) factors, but also by convincing reasons to improve the interactions among the different levels of governance in order to be able to face common challenges in critical policy areas, such as health, education, etc. Within this framework, the essence of intergovernmental relations is the attainment of integrated policy goals that benefit the public. Albeit, the management of these relations could take the path of collaboration or adversary depending on the structure and processes adopted by the actors.

This paper explores the nature of intergovernmental relations in Nigeria by examining available documented evidences using content analysis. The paper was guided by the collaborative governance theory which identifies certain salient variables that could enhance effective collaboration.

From available evidences from sectoral analysis, the dominant pattern of management of Nigeria's intergovernmental relations appears to be adversarial. This assertion is based on available documented evidences of intergovernmental relations in the certain sectors of the country. The paper submits that collaborative management achieves better policy outcomes than adversarial management. This is because the former tends to facilitate trust, commitment and better coordination than the latter.

Keyword: Collaboration, Adversarial, Governance, Trust

INTRODUCTION

The essence of federations is to share power and functions between the central and constituent governments. This is to enable each level of government function within the sphere it exhibits better competence. Nonetheless, these functions are not set in watertight compartments as certain functions require interdependence between levels of governments to achieve better results. The sharing of powers between the central and constituent government

in a federal system is enshrined in the constitution. The constitution is often divided into the exclusive and concurrent lists. The exclusive list is usually the preserve of the central government. This is based on the assumption that items listed in the exclusive list falls within the competence of the central government. In other words, this level of government possess the requisite capacity to perform functions relating to defence, security, currency and international relations (Wheare, 1963). The concurrent list on the other hand, has items wherein the central and constituent governments can exercise both administrative and legislative powers. The assumption underlining the concurrent list is that items listed here have spill over effects and cannot be performed exclusively by the constituent government. The issue that often arises over this list is that which level of government takes precedence in carrying out these functions or is it co-determined by the central and constituent governments? An instance to illustrate this view was when the Lagos state government introduced the sales tax which tax payers perceived as another version of Value Added Tax (VAT). The Supreme Court ruled as illegal the introduction of the sales tax as VAT has covered the field thereby making federal law take precedence over a state law. Instances like this often arise over items listed under the concurrent list. Nonetheless, certain items listed in the concurrent list require a degree of interdependence between the two levels of government. For instance, national policies developed by the central government require inputs from the constituent government for their actualisation. Issues relating to health, education, transportation and infrastructure development often necessitates the involvement of all levels of government. This involvement by the central and constituent governments in policy implementation is encapsulated under Intergovernmental relations and aims to facilitate coordination of the activities of each level of government.

Bakvis and Brown (2010) examined policy coordination in federal systems using Canada and United States as case studies. They identified two mechanisms of coordinating

policies in a federal system which are administrative and jurisdictional federalism. The policy outcomes generated by the two mechanisms tend to vary. While administrative federalism is perceived to generate more uniform policy outcomes based on its centralised coordinative mechanism, jurisdictional federalism tends to produce policy outcome that varies due to its non-hierarchical relationship. However, this may not often be the outcome as the practice of administrative federalism could also produce policy outcome that varied while jurisdictional federalism could have a more uniform policy outcome in the federation. Worthy of mention is the tendency for these approaches of policy coordination to produce different patterns of relationship which in itself could affect policy outcomes. Thus, administrative and jurisdictional federalism could produce different pattern of relationship which probably explains the variation in policy outcome.

The literature identifies different pattern of relations between the central and constituent governments based on certain variables. The relationship between the central and constituent governments could be coercive, competitive and cooperative. Under coercive relationship, the central government adopts measures through which to align the activities of the constituent governments with theirs (Kincaid, 1990). It could take the form of mandating constituent governments to implement national policies and programmes. This usually elicits resistance from the constituent governments who perceive such actions as usurpation of their powers and encroachment into their sphere of jurisdiction. Similarly, there could be unwillingness on the part of the constituent government to implement such national policies. For instance, the announcement of the new minimum wage by President Obasanjo in 2000 was not well received by the State Governors. They argued that the President should have discussed with them before announcing a new minimum wage as some states could not afford it (Eliagwu, 2002, Adedeji, 2017, Okeke et al, 2017). Competitive relations on the other hand are situations under which the central and constituent governments challenge one another

within a certain policy sector with different policy measures. This manifest when a national policy formulated by the central government to address certain public needs to which the constituent governments could enact or pursue divergent policy measures in meeting the same needs. Consequently, rather than work together in meeting public needs, the different levels of government are working cross-purposely. A noticeable feature of a competitive form of relations between the central and constituent governments is that the pattern of relationship could be adversarial. The final form of relationship is cooperative relations. This form of relationship is characterised by harmony, shared understanding and pursuit of similar objectives. It also connotes the working together of the central and constituent government even though they have different roles and responsibilities. A distinct feature of this form of relationship is that the relation between the central and constituent governments is collaborative. Under collaborative form of relationship, it is assumed that the policy outcome generated could have marginal deviation from the articulated policy goals. Similarly, activities of the different levels of government are better coordinated (Ansell and Gash, 2008). It should be noted that the three forms of relationship is evident in most federations to a certain degree while exhibiting a dominant form of relationship. Likewise, the forms of relationship could also vary across policy sectors.

The trajectory of intergovernmental relations in Nigeria since the return to civil rule in 1999 has oscillated between coercive and competitive form of relations depending on the character of the actors at the federal and state governments level. The policy outcome generated over the years has shown variation with policy goals (Freinkman, 2007). Therefore, the aim of this paper is to explore the fundamental variables needed to birth collaborative governance in Nigeria. Collaborative governance deals with how multiple agencies (public and private) involved in service delivery in the country could be better managed.

CONCEPTUAL CLARIFICATION

The attempt to conceptualise a term in political science and other social science disciplines could be daunting considering that there are so many divergent perspectives. Notwithstanding, there is a need to provide clarity to concepts used in order to ensure common understanding of the issues been discussed. Three concepts are central to the discussion on birthing collaborative governance in Nigeria. These are federalism, Intergovernmental relations and governance.

The concept of federalism as undergone several stages of conceptualisation with some scholars accentuating it to other concepts such as decentralisation and intergovernmental relations. Federalism as a concept is seen as a normative term that advocates a multi-tiered system of government. This multi-tiered system of government combines elements of shared rule and regional self-rule. In other words, this a political system where two to three levels of government exercise authority over citizens and these powers are not derived from either level of government. The powers they exercise are derived from the constitution which guarantees their continued existence. Similarly, federalism seeks to accommodate diverse groups with distinct identities who desire a political union. According to Rubin and Feeley (2008:170) federalism refers to a “mode of organising a political entity that grants partial autonomy to geographically defined sub-divisions of the polity”. It is a form of political organisation where a central government performs functions spanning the entire geographical space and a subsidiary government which performs localise functions. These levels of government are coordinate in respect of their functions as each is operating within the sphere allocated to it by the constitution. The normative aspect of federalism deals with an ideal in which countries with plural societies try to ascribe to but adopt different practices that are suitable to their environment. Therefore, there is a need to separate the operations of

federalism (the processes and structures adopted by federations) from the theoretical underpinning of the concept which is rooted in normative philosophy.

Intergovernmental relations on the other hand is defined “as the processes and institutions through which governments within a political system interact” (Phillimore, 2013:229). Thus, Intergovernmental relations is about the network of relations between the central and constituent governments through formal and informal channels with the aim of achieving policy objectives. While federalism emphasizes the sharing of powers between the central and constituent governments, Intergovernmental relations focuses on the interactions that exist between them. It is the relationship that occurs at the inter and intra-levels of government that facilitates the realisation of policy goals (Opeskin, 2001).

These definitions bring to the fore the essential features of intergovernmental relations. First of all, the actors in these relations are elected and appointed government officials drawn from the central and constituent levels of governments. Secondly, the relationship could be structured along the path of superior-subordinate relations as observed in Nigeria or in the form of matrix where each level of governments relate based on its bargaining advantage as observed in Canada (Akinsanya, 2005 and Cameroon, 2001). Finally the medium through which this occurs could be institutionalised and non-institutionalised (Aiyede, 2004). Apart from these identified features of IGR, there is also the dimensions it could take. Phillimore (2013) observed that the dimensions of IGR could be vertical, horizontal and sectoral. The vertical dimension deals with relationship between the central and constituent governments within a federation. This could take the form of federal-state, federal-state-local and state-local relations. The horizontal dimension of IGR involves the constituent units who interact to deal with a trans-boarder issue. This could take the form of inter-state and inter-local relations. The third dimension of IGR is concerned with public policy formulation and implementation. Rabin (2012:735) observed that each policy sector is

made up of its own IGR networks and personnel. In other words, the various policy areas such as health and education have its own set of public officials who participate through a formal and informal channel. The coverage, frequency and degree of relationship tend to vary across the various policy sectors as well as the level of cooperation or conflict between the central and constituent governments. The extent to which the states can bargain with the central government depends on their financial dependence, constitutional powers, administrative experience, technical capacity and the political importance of the issue the policy seeks to address (Phillimore, 2013:231).

Intergovernmental relations has taking centre stage in service delivery in federal and unitary states. The increase in size and scope of government activities in addition to new issues that was not anticipated by the original constitution has necessitated a form of relationship between levels of government. Similarly, local matters like primary education as assumed national social, economic and environmental significance thereby requiring the intervention of the central government. Consequently, the constitutional demarcation of functions between the central and constituent governments is been re-design by IGR with the intent of achieving effective service delivery.

The emergence of the concept of governance and good governance has brought to the fore the need to interrogate how state affairs are manage. The initial conception of government tended to emphasize institutions, rules and the exercise of authority. However, there was a paradigm shift which necessitated a new conceptualisation of how the affairs of the state are administered. According to Carino (1999) government is about ruling and control while governance orchestrates and manages. Thus, the two concepts rest on different premises. To rule connotes a sole authority who commands obedience through the use of force or sanctions. Consequently, in delivering services, the citizens play minimal or no role in the process. On the other hand, to orchestrate implies the participation of everyone in

moving the society forward. It involves certain attributes such as accountability, transparency and responsiveness of public managers to citizens. It also involves the citizens who play active role rather than passive role. Governance as defined by the International Institute of Administrative sciences (1996:6) “is the process whereby elements in society wield power and authority and influence and enact policies and decisions concerning public life, economic and social development”. This shows that there is a synergy between those governing and been governed all with the intent of improving the economic and social well-being of the society. The adjective “good” was added to the concept of governance to distinguish it from processes that were inimical to economic and social development. It was made popular by the international aid agencies in 1990s, which used it as a pre-requisite for aid to developing countries. Kaufmann, Kray and Zoido-Lobaton (1991:1) define good governance as the

The Traditions and institutions by which authority in a country is exercised. This includes

1. The process by which governments are selected, monitored and replaced
2. The capacity of the government to effectively formulate and implement sound policies and
3. The respect of citizens and the state for the institutions that govern economic and social interactions among them.

This definition encompasses the 8 pillars of good governance which are participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows rule of law. With the advent of governance and good governance which involved a lot of stakeholders from the public and private sector, the need arose on how to coordinate their activities in achieving results. Since governance deals more with processes (how things are done) than with structures (position of authority), there is the need to facilitate coordination and not duplication of efforts in a federal system. Collaborative governance is about managing the multiple agencies involved in the process of delivering public goods and services to the people. This could take place within the sphere of intergovernmental or inter-organisational relations. Agranoff and McGuire (2003) define

collaborative governance as the “the process of facilitating and operating in multi-organisational arrangements to solve problems that cannot be solved or solved easily by single organisations”. Ansell and Gash (2008) define it as

A governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented and deliberative and that aims to make or implement public policy or manage public programs or assets.

Emerson, Nabatchi and Balogh (2011) refer to it as

The process and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government and /or the public, private and civil spheres in order to carry out a public purpose that could not otherwise be accomplished

The central theme that runs through all these definitions is that there is an arrangement through which participants from different public/private organisations and levels of government could work together to achieve a goal which either of them could achieve alone. Thus, collaborative governance is about synchronising the activities of the various agencies to achieve results and avoid duplication of efforts. Areas where collaborative governance is evident are in various policy sectors that need the active involvement of all levels of government and other relevant stakeholders.

THEORETICAL FRAMWORK: CONTINGENCY MODEL OF COLLABORATIVE GOVERNANCE

The aim of theory in any research work is to guide the work and provide explanations of factors responsible for an event. The contingency model of collaborative governance was developed by Ansell and Gash (2008) with the aim of identifying the salient variables that could lead to effective collaboration. The authors conducted a meta-analytic study using a strategy they referred to as “successive approximation”. From their study, they were able to identify four broad variables which are starting conditions, institutional design, facilitative leadership and collaborative process. Each of these variables is made up of a subset of

variables that could aid or hinder effective collaboration. The authors noted the collaborative process as the core of their model and that the other variables serve as the catalyst for the collaborative process. The remainder of this section highlights each of these variables and serves as the bases on how to birth collaborative governance in Nigeria.

STARTING CONDITIONS

Under starting conditions, the authors noted that the conditions prior to the commencement of collaboration between stakeholders may determine whether there will be cooperation or not between them. Therefore, before stakeholders come together to collaborate, certain factors need to be taken into consideration. These are imbalances between the resources or power of different stakeholder, the incentives to collaborate and previous history of conflict or cooperation.

Power/Resource imbalances between stakeholders could be as a result of how organisational capacity and resources possessed by some stakeholders could hinder their ability to participate equally with other stakeholders who possess higher organisational capacity and resources. This could make the collaborative process be subject to the manipulation of the stronger stakeholder and could result in distrust or weak commitment (Gray 1989 and Warner, 2006). To remedy this kind of scenario, Ansell and Gash (2008:10) suggest that there should be a strong “commitment to a positive strategy of empowerment and representation of weaker or disadvantage stakeholders”.

Participation in a collaborative process is usually voluntary even though mandated by an Act of Parliament. Therefore, it is important to understand the incentives stakeholders have in participating in a collaborative process. Brown (2002) was of the opinion that when stakeholders perceive a correlation between their participation and tangible policy outcomes, incentives to participate will increase. Thus, it is important to build strong incentives into the collaborative process.

The final condition under starting conditions is pre-history of antagonism and cooperation. This is crucial as it may hinder or facilitate collaboration (Andranovich, 1995 and Margarum, 2002). The effect of a pre-history of antagonism and cooperation is seen in low levels of trust. This in turn leads to low levels of commitment, manipulation and dishonest communication. However, when it is based on cooperation, there is a tendency to have a high level of trust between stakeholders.

The next variable germane to a successful collaborative process is facilitative leadership. Based on the numerous stakeholders that will participate in the collaboration, there is need for leadership in order for the stakeholders to continue in a collaborative spirit (Reilly, 2001). Vangen and Huxham (2003) argue that the essence of leadership is seen by their ability to embrace, empower and involve all relevant stakeholders with the intention of mobilizing them to move the process forward. To achieve this, the leadership must possess skills that “Promote broad and active participation, ensure broad based influence and control, facilitate productive group dynamic and extend the scope of the process” (Lasker and Weiss, 2001:31).

INSTITUTIONAL DESIGN

This deals with the protocols and ground rules for collaboration. It also serves as the bases of inclusion or exclusion of stakeholders. Chrislip and Larson (1994) argue that a prerequisite for successful collaboration is when the process ensures broad inclusion of all stakeholders directly affected by the issue to be resolved. Thus, the non-inclusion of certain stakeholders (including the potentially “troublesome” stakeholders) may lead to the failure of the collaborative process. A functional institutional design must be base on clear ground rules and process transparency (Geoghegan and Renard, 2002; Imperial, 2005; Wiessner and Sexton, 2005). This in the long run will facilitate trust among stakeholders and their commitment to the process.

THE COLLABORATIVE PROCESS

Ansell and Gash viewed collaboration as cyclical rather than linear process. Thus, there is a tendency for each stage of the collaborative process to reinforce the other stages. The authors identify five stages in the collaborative process namely; Face-to-face dialogue, Trust building , Commitment to the process, Shared Understanding and Intermediate outcomes. Each stage is highlighted below:

FACE-TO-FACE DIALOGUE

The effect of this variable in the collaborative process is that it affords the stakeholders opportunity to break down stereotypes and other barriers to communication that hinders exploration of mutual gains (Bentrup, 2001). Similarly, face-to-face dialogue has the potential of building trust, mutual respect, shared understanding and commitment to the process (Gilliam et al, 2003 and Schneider et al, 2003). Consequently, the authors argue that face-to-face dialogue is a necessary and not a sufficient variable that can guarantee successful collaboration.

TRUST BUILDING

Apart from starting with face-to-face dialogue, trust building is another key component of the collaborative process. This is more vital when there is a prehistory of antagonism and may be difficult to cultivate (Murdock, Wiessner and Sexton, 2005).

COMMITMENT TO THE PROCESS

Commitment to the collaborative process by the various stakeholders is crucial in determining success or failure (Gunton and Deg, 2003). Although, there are various perspectives on how to increase the level of commitment of stakeholders, a key factor is to ensure 'buy-in' even if collaboration is mandated.

SHARED UNDERSTANDING

It is important that stakeholders develop a shared understanding of what they are meant to achieve together at some point in the collaborative process. This could be an agreement on definition of the problem or pertinent information necessary for solving a problem.

INTERMEDIATE OUTCOMES

This manifest in short-term tangible policy outcomes that could encourage a virtuous cycle of trust building and commitment (Vangen and Huxham, 2003).

In conclusion, the intention of Ansell and Gash in designing this model was to specify conditions under which collaboration could achieve the desired policy outcomes. The next section examines the presence or absence of the variables in the sphere of Intergovernmental relations in Nigeria.

PHASES OF INTERGOVERNMENTAL RELATIONS IN NIGERIA

The trajectory of Intergovernmental relations in Nigeria has oscillated from federal dominance under military rule to conflict between the federal and state governments under civilian rule. One of the factors responsible for incidence of conflict between the federal and state governments is the skewed distribution of powers in the 1999 constitution. The federal government has 68 items listed in the exclusive list for it to legislate upon while it shares 38 items with the states in the concurrent list. The lopsided distribution of powers tends to elevate the dominance of the federal government and dictates the tone of intergovernmental relations in the country (Akinsanya, 2005; Painter, 1991). Most studies done on intergovernmental relations in Nigeria have observed the trend of federal dominance in most policy sectors that incorporates the participation of state governments. An example along this line was the dissenting voices from state governors that followed the announcement of minimum wage by former President Obasanjo in 2000. The argument put forward by the governors was that they were not consulted before the president went ahead to announce the

new minimum wage (Adedeji and Ezeabasili, 2018). Furthermore, since there was no corresponding increase in their allocation from the federation account, there was no way they could pay the new minimum wage (Akume, 2014). Thus, the implementation of the national minimum was already confronted with lack of support from the state governors. Eventually, each state government had to negotiate with its workers and agree on the minimum wage they could pay. Similarly, the introduction of the Universal Basic Education programme did not also receive initial support from the state governors. They were against the unilateral decision of the federal government to introduce a programme that required their involvement in implementing without prior consultation (Eliagwu, 2007). Instances like these created a background for intergovernmental relations under the fourth republic and arguably a history of antagonism between the federal and state governments. This has the tendency of undermining subsequent collaboration between the two levels of government.

In Ansell and Gash (2008) contingency model of collaborative governance, the starting conditions of power/resource imbalance, incentives to participate and prehistory of antagonism and cooperation dictate the direction the process will take. In terms of power/resource imbalances, the federal government has exercised more dominance in this regard. Fiscal relations in the country is tilted in favour of the federal government. This is attributed to the concentration of revenue at the center at the detriment of the federating units. The federal government receives 52 percent of the revenue from the federation account while the state and local governments share the remaining 48 percent (Ewetan, 2012). With this large revenue profile, the federal government has more leverage to manipulate or coerce state governments. For instance, when state governments could not pay salaries in their respective states as a result of dwindling allocation from the federation account, the federal government had to provide bailout funds to these states in 2015 (Premium Times, 2015). Intergovernmental fiscal transfer like this could induce and make the state governments

subservient to the federal government. In the same vein, incentives to participate in collaborative efforts certain policy sectors appear low among state governments. Scholars of collaborative governance argue that power and resource imbalance affects the incentives of stakeholders to engage in collaborative process (Gunton and Day, 2003). Consequently, the power and resource imbalance between the federal and state governments could reduce the incentives the latter has in participating in the collaborative process. For instance, there is the counter-part funding for UBE scheme in Nigeria which is disbursed by the Universal Basic Education Commission based on certain guidelines. Ejere (2011:225) observed that certain states refused to meet the guidelines “that would allow them draw counter funds provided by the federal government for the UBE programme”. Part of the reasons adduced for inability of states to access these funds is based on the “states’ lack of clarity regarding the regulations” (UBEC 2012) and “excessively strict rules for accessing funds” (Schiffer et al, 2013). With these factors, there is a tendency for some states to have low incentive to participate in the implementation of UBE programme.

In terms of facilitative leadership in the collaborative process, arguably the federal government through its agencies in most policy sectors should provide leadership by ensuring that stakeholders drawn from the state and local government levels remain committed to the collaborative process. This they could achieve by ensuring that decisions are reached through consensus and there is a buy-in by participants in the collaborative process. However, the multiplicity of agencies cutting across federal, state and local governments have made it difficult for federal ministries for federal ministries to provide leadership. Again as observed in the education sector by Freinkman (2007:7) “federal government entities do not have capacity and an effective mandate to monitor and coordinate state performance”. Thus, federal entities are not able to align the activities of each participating agencies with the collaborative process and this often result in duplication of efforts. Similarly, the institutional

design of most collaborative process places federal entities at the apex while participating agencies from other levels are perceived as subordinates. Inyang (2014) observed that most intergovernmental administrative institutions have become avenues for the federal government to assert its dominance. Likewise, state governments have also exercised excessive control over local governments within their domain. Primary education which constitutionally is the responsibility of local government councils as been handled more by the state government while they play minimal role in its delivery. Local government education authority whose responsibility it is to manage public primary schools is under the administrative control of SUBEB, a state government agency. The local government councils have minimal or no inputs in the operations of the education authority (ESSPIN, 2009).

The collaborative process in the country also exhibits lack of consultation, trust building, commitment from relevant stakeholders and shared understanding. Evidence to buttress this view is seen in the delivery of rural feeder roads in the country. Each level of government is involved in the provision and maintenance of the country's total road network. However, the federal government is the most active provider of rural feeder roads which is constitutional outside its jurisdiction. In a report done by NISER (2012), it was observed that the federal government dominates the provision of rural feeder roads because it controls the two major source of funding in the sector. These are from the funds meant for Millennium Development Goals and constituency funds. The federal government channels these funds from the Millennium Development Goals to the Federal Ministry of Agriculture and Rural Development which in turn provides rural feeder roads through its offices located in each state of the federation. Rural feeder roads to be constructed under constituency fund are solely determined by National Assembly members. In both instances, there is little or no participation of state and local government officials in the delivery of rural feeder roads.

CONCLUSION

Kincaid and Stenberg (2011:196) quoting from the intergovernmental agenda of the Federal Systems Panel's of 2008 to the incoming administration on the need to "restructure intergovernmental management across the federal system on the basis of collaboration rather than command and control". This statement is also applicable to Nigeria where intergovernmental relations exhibit adversarial tendencies based on the hierarchical structure of the federal system. The result from the sphere of intergovernmental relations in terms of policy implementation has been a miss-match between policy objectives and outcomes in the country. Indicators from the various sectors such as education, does not indicate effective collaboration between the tiers of government. Since the return to civil rule in 1999, there has been repeated antagonism between the federal and state government over jurisdiction and revenue. The local governments have been reduced to administrative appendages of the state governments who repeatedly appoint caretaker committees rather than allow for democratically elected local government councils. Collaborative governance offers a better alternative of achieving policy goals through better coordination of the activities of the levels of government. Public officials particularly at the federal level must begin to incorporate the variables enunciated in the contingency model of collaborative governance. While this may not guarantee better policy outcomes, it has the potential of reducing the antagonist relationship that hitherto characterise the relationship between the levels of government in the country.

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