

The Third Sector in Public Governance in Nigeria: Concept, Identity and Prospects

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Abstract

The world is suffused with self-organised groups asserting themselves in the policymaking corridors of governments and private-for-profits in order to jointly address stubborn societal challenges characterised as wicked problems. These self-organised bodies, labelled the third sector, operate in the advanced, developing, as well as less developed countries. This paper reviews the contemporary background of the third sector, its conceptual basis, its identity crisis and prospects for future development in the context of public governance in Nigeria. It does so premised on an orientation towards new governance tradition and heuristics. It argues that a better understanding of the concept, and governance role of the sector, by government policymakers, private-for-profits, and third sector actors themselves, will strengthen home grown cross-boundary collaboration for a more effective service delivery across the country.

Keywords: public governance, third sector, identity, prospects, wicked problems

Introduction

That Nigeria is facing a governance crisis is not in doubt (Adegoroye 2015; Buhari 2015). That the dynamics of that crisis has manifested itself in the form of wicked problems is equally an acknowledged fact (El-Rufai 2013; Okonjo-Iweala 2018). That government alone cannot address wicked problems is evidenced by its own admission of failure in development

management (Office of the Special Adviser to the President 2014; FRCN & Sola Ojewusi Associates 2011). Therefore, governments across the federation, in the last two decades, sought solutions to wicked problems through ceding part of their role in development management to private-for-profits, through privatisation and, to a lesser extent, the third sector, through citizens' engagement in policy advice and, to a lesser extent, service delivery.

Although governments across the federation generally welcome the notion of citizens' involvement in small service provision, they remain sceptical about the growing strength of the formal third sector in the area of policymaking. A way through which this can be gleaned is by examining the changing dynamics of interaction between government policymakers and third sector actors. This review, however, will not focus on those dynamics. It will only, where relevant, mention them in passing.

Our task here is to address the conceptual issues pertaining to the third sector, its identity crisis and prospects for future development in the context of Nigeria. This we accomplished through the perspective of governance theory and heuristics. The paper, in this respect, has three purposes: (a) to examine the background to third sector intervention in public governance; (b) to define and clarify the various conceptions, identities and purposes of the third sector; and (c) to interrogate the prospects of the sector under a fragile national ecology. All these issues will be addressed in sections that consist of the introduction, the method, the concept, identity and purpose of the third sector; and then its prospects, followed by a conclusion.

Method

The paper drew on existing research literature, government documents, and our experience in non-governmental work in the study setting, as sources of data to define, illustrate and interrogate the concept and identity crisis of the third sector, and its prospects in public governance in Nigeria. We traced the various ways in which the concept, 'third sector', is used in the literature, and the contradictions inherent in these, and similar notions employed to describe non-governmental activities generally. Our focus was on the more formal third sector entities, without losing sight of the disparate informal groups typically known as community-based organisations (CBOs).

The various sections of the paper are therefore arranged by relationship rather than by chronologically. The process adopted involved combining the literature with our experience in the field spanning over 15 years as voluntary actors in collaborative situations with senior government bureaucrats across Nigeria, especially in the northern region where demand for third sector intervention was deemed high. Thus, we dissected the identity crisis of the sector and delineated its prospects in public governance in Africa's most populous (180 million people) and, perhaps, most ethnically and religiously diverse country, Nigeria. The logic followed involved clarifying the concept, demarcating its boundaries, and highlighting existing obstacles that the sector must overcome to gain the desired state and community recognition required to accomplish its service provider role in areas of need across the country.

We are not here measuring third sector performance, size or scope, nor are we assessing its

socio-economic impact. These dimensions are outside the scope of this paper. Our focus here is modest. It is to clarify and illustrate the concept and bring out the identity crisis of the sector and its prospects in public governance under a resource constrained ecology. In short, we are reviewing what is known in the literature based on our practical experience in the non-governmental ‘industry’ in Nigeria.

Background to Third Sector Intervention

How do we involve citizens in the proper governance of society? This is one of the central questions confronting almost every country on earth in the 21st century. Governance theories have proliferated in the last two decades partly in search of answers to this question (Bevir 2013_a; Bevir 2013_b; Bevir & Trentmann 2004; Bevir 2009; Fukuyama 2013; Kooiman 2003; 1993; Onimode et. al 2004; Ostrom 2003; Peters & Pierre 1998; Rhodes 2017; Sorensen & Triantafillou 2016). A significant development in this search for answers is the renewed scholarly and practitioner interest in third sector organisations (TSOs). This sector has, in significant respects, changed the way state actors engage citizens in co-creation and co-construction activities, particularly in the industrialised world (Bourgeon 2014; Bushouse 2017; Daekin 2001; Paniagua & D’Angelo 2016; Salamon 2012; 2000).

The argument is that governments have exhausted their capacity to play the *sole provider* in society. This limitation has been attributed to three challenges that emerged in the West in the late 1970s and 1980s, namely: the burden of the welfare state; a persistent and growing underclass; and then chronic inflation (Bevir 2013_a). One of the means sought to resolve this crisis in the Anglo-Saxon West was to engage citizens groups in the delivery of public services. This engagement at the initial stage in those countries proved messy and inefficient. But gradually it picked up to become a force to be reckoned with in the management of services (Christensen & Laegreid 2007; Salamon et al. 1999). Consequently, this experience, by demonstration effect, prodding, and conditionality, through the aegis of multilateral agencies such as the World Bank, reverberated throughout the developing world.

Interest therefore grew in the multiple modes of interaction that were emerging between policymakers and third sector actors. Finding the optimal combination of interaction modes became an area of interest to practitioners and researchers alike. Generally, it is assumed that some form of partnership based on coordinating standards could deliver maximum results in policy domain interactions (Dunsire in Kooiman 1993; Kooiman 1993; 2003; O’Flynn, Blackman & Halligan 2014).

Empirical studies in Nigeria, however, have indicated that the governance ecology, despite evidence of growing interaction where third sector actors (TSAs) are concerned, is still dominated by oligarchs (Lewis 2006) and veto-players (LeVan 2015), and as such predominantly oriented towards exclusion (Ali 2008; DFID 2013; Ikelegbe 2013). Series of privatisation exercises embarked upon by governments since the mid-1980s, in the name of citizens’ economic empowerment, have not improved living standards, but rather made third sector intervention in service provision to mitigate the social costs of adjustment policies a necessity. Thus, governments at every level, federal, state and local, felt pressured by community activists to engage with the third sector in the discharge of social service obligations, despite initial resistance within public bureaucracies.

Moreover, there seems to be a growing shift away from confrontation towards more partnership-oriented forms of engagement between government policymakers and third sector actors, particularly since the return to democracy in 1999 (Government-NGO Meetings, Kano & Kaduna, September 2017). This development is of interest because it suggests the mainstreaming of third sector actors (TSAs) into the public policymaking domain. The implications of this for policymaking outcomes, and the driving forces behind it, are questions of concern to policy makers, policy implementers, service providers, and service users alike. To understand these multiplicities of perspectives on the third sector in Nigeria is to probe the context within which they were formed.

In matters of governance, therefore, we cannot ignore context, as it is within that framework that norms and values evolve and are asserted. These in turn can make or mar government-third sector engagement processes. Thus, it is essential to consider the context of government-third sector interactions in Nigeria. However, this cannot be done without understanding what the third sector is and how it defines its purpose under a fragile national economy.

The Third Sector: Concept, Identity and Purpose

What this paper refers to as the Third Sector is widely known in Nigeria, like elsewhere, under a variety of labels: Non-governmental organisations (NGO), civil society organisations (CSO), community based organisations (CBO), voluntary organisations, Unions, township associations and the like. These ranges of labels have been generally captured in the literature (Deakin 2001; Eade 2004; Salamon 2012).

For each label of choice, however, there is usually some need for clarification. We shall attempt that by noting some of the observations that scholars have made regarding these labels (Daekin 2001; Salamon 2012). For instance, the term voluntary association implies that the work done for such associations is completely voluntary, without any form of income generation attached to it. Similarly, when the term NGO is used it is assumed that there is zero connection with government, with emphasis placed on the phrase “non-”. As for the umbrella term civil society, a concept with Greek origins (Aristotle’s *Koinonia politike*), revived by Gramsci and elaborated in the form of cultural hegemony (Gramsci 1999), it seems to encapsulate everyone under its rubric, even government actors in civil capacity. They too are civil society members. The term is therefore all embracing and lacks precise meaning (Deakin 2001; Eade 2004; Salamon 2012).

With the notion of TSOs, on the other hand, it is argued that such ‘networks’ cannot in any sense of their evolution be consigned to *third* place, when compared to the state and for-profits. Therefore, setting them aside as a sector gives the impression that they are compartmentalised within a boundary that can be clearly defined. Hence, the concept does not reflect reality (Daekin 2001; Eade 2004). For instance, how can we justify referring to small ancient nomadic groups that were there before modern governments and private businesses were formed as *third sector*, when, in reality, they ought to be *first* or *second*, at the community level, after families. Some of these groups have been traced back to 10000 BC, while modern bureaucracies and nation states are 15th to 20th century creations (Lipnack & Stamps 2000).

Semantic as these nuances on labels may appear to be at first, they reflect some form of self-concept amongst actors operating under each rubric, and, as such, have implications for how their activities are viewed and interpreted in the larger society.

However, here the term third sector is privileged, not because the sector is historically and chronologically ‘third’ in any sense, as a concept or practice, but because in the last three decades, classification of economic and social activities along sectoral lines, despite fuzziness of boundaries, has become central in the public governance literature (O’Flynn et al. 2014).

Besides, self-identification as a sector, in the context of Nigeria, confers on TSOs claims, rights and privileges of access similar to those reserved for the private for-profits in public policy matters, and recognises TSOs as an independent sector in the economy and society for public good. The assumption that no such sector exist has since been defeated by the growth and strength of non-governmental service providers, and therefore belongs to a bygone mindset. In addition, a sectoral identity is needed as a mobilising platform to canvass for greater inclusion and mainstreaming of citizens groups into the public policymaking arena, which we prefer to refer to as public ‘policymaking *collage*’. That is, non-parliamentary multiple stakeholder bargaining and framework agreements that serves as a prelude to, and sometimes usually end up as, public policy.

This usage of the term ‘third sector’ will not in any way diminish the diversity of labels and concepts used to characterise activities in the sector generally. On the contrary, debates of this nature will continue to be part of the search for a true ‘identity’ for the sector. In this sense, we have to accept what has been termed “the coexistence of difference” (Slack 2016, Pp. 897-899), and as such focus on the substance of the sector, which resides in its social relevance.

But as others have observed, “Even within the third sector itself, the degree of consciousness of belonging to a wide and distinct sector varies significantly across organisations and often remains low” (Defourny & Pestoff 2008, p. 3). This seems to be the case in Nigeria now. That, presumably, must end if the sector is to make any significant impact under conditions of ‘democratic consolidation’ and dire national and community development challenges in the country.

Furthermore, use of the term third sector, like non-profits, is mostly American, and is still contentious (Salamon 2016). Yet it encapsulates the concept of a sector with some degree of boundary, which although shifting, gives actors in the sector a sense of identity, role and placement that can avoid impressions of *non-ness* in interactions with government, or total *voluntariness* in the image created by use of the term ‘voluntary organisations’.

Besides, as TSOs, these bodies are income generating, and even gradually evolving into social entrepreneurs, as is the case in Western Europe, where they are involved in commercial activities with social purpose (Hopkins 2010; Salamon 2016; Social Enterprise Alliance 2010). These emerging realities cannot be ignored, but can conveniently be accommodated within the sector framework, which continues to grow in scale and stature, not just in social activism but in policy advice and service delivery roles as well.

Part of the identity dilemma the third sector is facing relates to what Salamon (2012) has referred to as its “impulses”. That is, multiple identities representing “voluntarism,

professionalism, civic activism, and commercialism". These multiple identities of TSOs partly explain the complex and irregular modes of interactions they have with governments, corporations, and communities in Nigeria. And, typically, it is the way how network actors are read and perceived that influences how state, corporate, or even community actors relate with them. Such interactions can vary from cooperation to persuasion, and confrontation to partnership orientation.

For instance, as 'civic activists', TSOs are viewed as political entities; as 'development workers', they are seen as intrusive in community life; as 'voluntary bodies', they are beheld with suspicion as 'foreign agents'; and as 'professionals', they are deemed lacking in *locus standi*. That is, lacking the right to operate within a given jurisdiction as 'professional volunteers' or 'community activists', especially where registration for so doing is required. Finally, as 'social entrepreneurs', third sector actors are considered not too different from private for-profit actors. These perceptions may not be universal, but they reflect gaps in trust and credibility, mission and values that the third sector must grapple with.

Moreover, there is the question of who is in and who is out of the sector. For instance, where do we classify private schools and universities in Nigeria that are claiming charity status and yet so expensive? What about faith groups (charismatic Churches, Mosques, and traditional Oracles) that operate with for-profit motives? Or NGOs that are run as sole proprietorships? Does this all not dim the declared social purpose of the third sector?

These series of challenges reflect the crisis of hybridity and purpose in the sector as it spreads its influence to address social gaps not filled by government, the for-profits, and even families. Thus, the sector takes on roles and serves functions across boundaries that are multiple and constantly shifting. Appreciating the implications of these multiple identities is vital to an understanding of the nature of interaction between government and the third sector across Nigeria.

Despite these identity and purpose challenges, there are five distinguishing structural and operational characteristics commonly used to define formal non-governmental organisations in order to 'demarcate their basic character' and allow for cross-border comparisons. These are that they are organised; self-governing; private (non-state); non-profit distributing; and voluntary (Daekin 2001, P. 10; Salamon & Anheier 1997, Pp. 30-42; Salamon 2012; Salamon et al. 1999). These definitional features laid out by Salamon and Anheier (1997), despite their acknowledged limitations in discounting entities like cooperatives, social entrepreneurs, and non-formalised groups bound by community norms (Salamon 2016), have become widely accepted in the literature on the subject, and have been adopted here too.

Even the Corporate Affairs Commission of Nigeria hinted at the voluntary and non-profit distributing character of the sector in Article 13 (Special Clause) of its registration requirements for Incorporated Trustees, where it stated under Subsection (2) (a) that 'no member of the management or governing body shall be paid salaries or fees except as ex-officio members of the governing council.' In addition, 'no remuneration or monetary benefit or benefit in money's worth shall be paid to members of the council or governing body except as repayment of out of pocket expenses, rent for premises let to the body or fees reimbursed for services rendered. These repayments shall be within "reasonable" limits' (Article 13 (2) (b)).

In fact, Subsection (3) specifically mentions ‘non-distribution’ of property where the Trustees have been dissolved or ceased to operate and its assets and liabilities satisfactorily accounted for. In such cases members have no option but to resolve to transfer such property to an association or institution with similar objectives as theirs or simply hand it over to some charitable cause (Article 13(3)).

Ignored in the literature and government policy are, however, thousands of tradition-bound associations or community-based organisations (CBOs) across the country that operate under well-established norms or rules of engagement recognised by members and the local governments in which they operate. Despite this, a good number of self-organised entities are run outside government formal registration requirements, as spelt out in the Companies and Allied Matters Act 2004. This does not in any way delegitimise them, but rather deny them legal personality. That is, they cannot sue or be sued as a body corporate.

Our focus here is on the more formal entities in the sector, thereby giving less attention to the borderline groups that stand between the mainstream TSOs and the state. These traditional voluntary groups known to local communities in precolonial times laid the foundation for the emergence of contemporary TSOs that are, by-and-large, products of our colonial and postcolonial experience.

Government-Third Sector Collaboration and Wicked Problems

The interaction between government and the third sector in the last three decades, although idiosyncratic, is on the rise in both intensity and scope in and out of Nigeria (Buyse 2018; ICNL Nigeria 2016; Salamon 2016; 2012). This is not the result of government generosity, magnanimity or progressiveness, but rather the compelling demands of people for a better life, including, in the context of Nigeria, the attractiveness of ‘donors’ funds, and the mutual advantage associated with such engagements. The third sector is, therefore, a by-product of these forces and their associated challenges. Thus, Corporate Social Responsibility commitment, generally associated with private for-profits, is equally a response to social demands. Consequently, corporations want to be responsive citizens promoting societal good. Hence, governments, private-for-profits and the third sector interact out of social and historical necessity to confront wicked problems. These are problems that government cannot address alone. They are unique, complex, unpredictable, difficult to trace beginning or end, and involve competing interests that cannot be easily reconciled. These problems defy simple definitions or solutions and draw their wickedness from multi-stakeholders battling for supremacy. Therefore, their irreconcilable nature is their ‘wickedness’ (Head & Alford 2015). Examples of wicked problems in Nigeria include 9 to 19.6 million (estimates vary) out of primary school children (OOSC), including *Almajirai* (Itinerant Quranic students), the highest in the world (Nwoko 2015, Pp. 4-5); and girl child education deficit, internally displaced persons (IDPs), urbanisation, herdsman-farmers conflict, inequality, grand corruption, mass poverty and unemployment, youth restiveness and political instability, ethnic and religious tensions, threats of secession and kidnappings, desertification in the North, erosion in the South, floods in both North and South, and persistent divorce, prostitution, and sexually transmitted and other communicable diseases, just to restrict our list.

These are problems no single government, private, or third sector actor can solve on their own. The old logic of government, where the sovereign *mai-gida* (Hausa for head of household or boss) runs everybody's life, is seen as obsolete. Similarly, determining who runs what sector or enterprise is becoming increasingly fuzzy. Challenges such as these makes the third sector in Nigeria a compelling force for good in development management, especially at the grassroots level.

Prospects of TSOs in a Fragile Ecology

The prospects for co-creation and co-construction to tackle wicked problems it seems will depend on six major factors. First is the *objective* (or shared focus) of the parties involved; that is, government, the private sector, the third sector and the host community. Important questions to be addressed here are: to what extent do the interests of the engaged parties overlap? Under what conditions can this overlapping interest produce positive outcomes? Are the objectives home grown or are they externally driven?

The second factor is the *structure* deployed to address wicked problems in communities. How consistent is it with community norms and values? How compatible is it with gatekeeper interests? Under what rules of engagement will the structure be deployed or operate?

Third is *resource availability*. Is it primarily foreign resources or local, or both? How is it sourced, utilised and accounted for? Is there full disclosure to all stakeholders in the interaction process? These questions speak to corporate governance in the third sector.

Fourth is the *nature of the wicked problem* at stake. Since no such problem can be treated in isolation, one must consider the implications of each solution attempted on other wicked problems. For instance, the attempt by the federal government to provide Fulani herdsmen with fertile and safe grazing lands across states in the country produced reaction from farmers demanding equal treatment from the same federal authorities. These are all trust, credibility and equity issues. How the third sector performs as a stakeholder in dealing with these problems in the years ahead will determine its prospects in the country.

The fifth factor is the *economic power* of the sector. Here, it is essential that the third sector mobilise to ensure that its contribution of the national income is captured in federal, state and local government budgets. At present its contribution to the national economy is either grossly understated or totally unknown. Estimates of its gross domestic product contributions (GDP) need to be determined based on its actual activities in various communities across the nation. We are aware that in some states in the North, the third sector, through 'development partner' funds, is sustaining the health budget, and to a certain extent even the education budget as well. These are understated contributions that require statistical capture.

The fact is that volunteer work is now recognised as an important contributor to national economic growth, and the work of the third sector goes beyond voluntary activities. The United Nations, through the International Labour Organisation's Manual on the Measurement of Volunteer Work (2011), had since endorsed that these statistics be included in national income accounting of member states. The Nigerian third sector needs to be actively involved in this computation. Its exposure to the use of information and communication technology, social research, along with its ability to mobilise expertise across boundaries, will be handy here.

The sixth factor is tied to what can be described as the third sector's *unique network culture*. That is, the third sector can advance, sustain, and promote its own prospects through its strengths in addressing shared goals, and its ability to managing shared resources, including its skills in solving problems through collaboration. In addition, it is flexible and can easily adapt to change. These capabilities have been demonstrated in its advocacy work and creation of learning opportunities for its members, partners and service users across communities in which it operates. Mobilising resources and networking interests across boundaries have become part of its *modus operandi*. These are all pillars of strength that the third sector can continue to tap into if its prospects for growth and development are to be accomplished.

One major challenge that the Nigerian third sector must overcome, it seems, is its dependence on foreign funds for sustenance. Its credibility and sustainability might be seriously affected by this factor. Collaboration is one thing, but dependence is another. To stave off further dependence on foreign networks and 'development partners', local third sector actors will have to initiate a gradual, but deliberate and systematic programme of self-sustenance to enable them collaborate across frontiers on a more equal footing. A way of bringing this about is for the Nigerian state to, as a matter of policy, provide transparent and accountable budgetary support to the local third sector; and for the private sector to, as part of its social responsibility, expand its engagement with third sector actors in its locality. Likewise, the 774 local governments in the country can equally be mobilised to intensify their partnerships with CBOs and formal networks in their communities to improve basic amenities.

Further, certain proportion of governmental programmes reflected in federal, state and local government budgets can be contracted out to the third sector. This can be more robustly implemented at the local government level where (co-)delivery of basic services might be less complex and less expensive. These targeted services ought to be within the competence of the third sector to perform. This, we presume, is unlikely to be more expensive than service delivery is at that level at present. Yet, as we have seen in the case of the United Kingdom, this could compromise the independence of the sector or diminish its social purpose (Hopkins 2010; Third Sector Research Centre 2008-2013), especially if the policy framework that should govern the engagement process is not properly worked out.

Therefore, the performance of the third sector in addressing the six core areas delineated in the preceding discussion, including its management of dependence on foreign actors in the years ahead, will determine its overall prospects in public governance in Nigeria.

Conclusions

Although the paper traced the contradictions inherent in the use of various related concepts to describe the third sector in Nigeria, it focused on the formal entities in that sector and interrogated its prospects under mounting wicked problems and a fragile national ecology. While we proposed employing the concept 'third sector' as an umbrella term to cover all actors involved in non-governmental work in the country, it is reasonable to assume that change of label is not, by itself, synonymous with change of fortune. Yet, it appears that any such change will address the current identity crisis actors in the sector face, and might even serve, if canvassed purposefully, as a catalyst for greater inclusion in public governance across the federation. Besides, as a sector, non-governmental entities can be granted 'equal'

recognition with the private sector, with due consideration given to their respective mission and mandate. Given the growing contribution of the sector to the national income, its prospects for wider collaboration with both government and private for-profits appears promising. Yet its dependence on foreign support remains an area of concern to government, local communities and independent actors in the third sector itself.

However, the paper recognises that where identity is concerned, there simply is no one best way to label the third sector; nor is there a universal best practice for conducting its affairs. Each situation it seems will require arrangements consistent with the experiences of actors in that environment. The ultimate objective is to improve the quality of community life and enhance members' capacity for self-governance. These outcomes, the evidence shows, cannot be accomplished on behalf of the sector by governments, corporations, or 'development partners.' While these actors can provide support, the prospects for expanded collaboration with the third sector to address wicked problems in Nigeria might well depend on how it confronts the six major factors delineated in the paper, viz: shared objectives; structure; resource availability; nature of wicked problem; economic power; and unique network culture.

As we have argued, the third sector emerged out of social demands for self-improvement and accountable governance. Yet its future will be determined, not by itself alone but, by its ability to interact across boundaries for the co-creation and co-production of publicly desired outcomes. Finding the optimum interaction mode to deliver public services is a collective endeavour that can be generated through a delicate combination of the six major factors earlier mentioned, especially shared objectives, resource availability and network culture. In addition, one might add, community values.

At a time when perceptions are changing rapidly, and personal, corporate and social ties intermeshing under conditions of instantaneous communication, where truth can become falsehood and vice-versa, shared understanding and broader visions rooted in local experience are necessities for social cohesion and avoidance of dislocation and chaos.

In this 'post-truth' ecology, people can see not just fragmented pictures of themselves but that of others in society as a whole, and not just as reality but, as distorted perceptions that can influence social action (Keyes 2004; UNO 2017). Power, soft and hard, in this context, is not located in one sovereign authority, but in multiple centres with unequal strengths. To work together across boundaries to deliver services to communities, a 'glocalized' mindset is needed. But if community life is to qualitatively improve in the future, then governments, the corporates, the third sector and community gatekeepers in Nigeria must collaborate based on uniform governing standards for effective service delivery.

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