



National Civil Society Organizations' Forum

Theme: CIVIL SOCIETY'S ROLE IN TRANSFORMATIONAL LOCAL GOVERNANCE REFORM IN GHANA

Snap Report

Date: 27th & 28th June, 2018

Venue: ISGC

1. INTRODUCTION

The Institute of Democratic Governance (IDEG) held a two-day national forum at the International Student Guest Centre (ISGC), Teiman, near Abokobi, Accra on the theme: **Civil Society Role in Transformational Local Governance Reform in Ghana**, from Wednesday, 27th to Thursday 28th June 2018. Participants for the forum were drawn from academia, civil society, faith-based organizations, traditional authority, religious bodies, professional bodies, among others.

The rationale for the forum was to create a common Civil Society Platform and coordinate their activities to facilitate the implementation of President Nana Akufo-Addo's decision on the amendment of Article 55 of the 1992 Constitution to allow for the participation of political parties in District Level Elections (DLEs). A total of 165 participants attended the forum.

2. CHAIRMAN'S OPENING STATEMENT – Dr. Emmanuel Akwetey

In the opening statement, Dr. Emmanuel Akwetey, Executive Director of IDEG mentioned that Civil Society Organizations (CSOs) provide a crucial linkage between governments and the ordinary people. He underscored the fact that the role of CSOs in ensuring successful implementation of the amendment process cannot be under-estimated. In addition, Dr. Akwetey noted that amendment of Article 55 (3) of the 1992 Constitution is imperative for more power and resources to be devolved to Metropolitan, Municipal and District Assemblies (MMDAs) in order to achieve accelerated transformational local development. In concluding his remarks, he urged that it is possible to achieve the local governance reforms expected to take place within the stipulated time frame for the amendment of the constitution.

3. STATEMENT BY THE DEPUTY MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT – Hon. Kwasi Boateng Adjei

Hon. Kwasi Boateng Adjei, a Deputy Minister for Local Government and Rural Development noted that even though significant achievements have been made in Ghana’s decentralized local governance system, there are some key challenges that ought to be dealt with in order to devolve more power and resources to the people and to promote local development. According to him, it is the resolve of the New Patriotic Party (NPP) government to ensure the popular election of Metropolitan, Municipal and District Chief Executives (MMDCEs) on party basis that would deepen accountability and promote local development. Further, he encouraged CSOs to appreciate the fact that achieving a successful amendment of Article 55 (3) to deepen decentralization and promote local development is a collective responsibility.

4. KEYNOTE ADDRESS – Rt. Hon. Prof. Aaron Michael Oquaye, Speaker of Parliament

In his keynote address, the Rt. Hon. Professor Aaron Michael Oquaye, Speaker of Parliament of the Republic of Ghana, gave the assurance that Parliament is ready to work with the Executive to set in motion the amendment process if the Bill for Amendment is laid before the House as early as possible and within its timetable taking into consideration that the public referendum to amend Article 55 (3) will be held together with the district level elections which are scheduled for the third quarter of 2019.

Prof. Oquaye, however noted that we should not overly concentrate on the amendment of Article 55 (3) that allows political parties to participate in local governance. We must rather brainstorm on all the challenges that weaken local governance that have tended to undermine its capacity as a countervailing authority in the state. Decentralized local governance is required to take care of people from the “cradle to the grave”. This can be achieved when decentralized structures are deepened in a manner that roll back the frontiers of executive power interference in local affairs. He expressed regret that the only strong institution in Ghana seems to be the presidency and urged the forum to brainstorm on ways to strengthen local governance beyond the participation of parties to ensure genuine devolution of power to the sub-governmental units. He noted that the practice whereby about 20 percent of the District Assemblies Common Fund is kept by the Ministry of Local Government and Rural Development to be used as it deems fit is a paternalistic tendency that undermines decentralization. He called for an increase in the allocation of funding for the MMDAs and argued that not less than 20 percent of the national budget must be allocated to them to make them more viable as agents of development in the rural areas. Prof. Oquaye further pointed out that the proliferation and creation of districts by the executive arm of government undermines decentralization as it strengthens the executive’s hold on the districts.

In conclusion, Prof. Oquaye expressed the hope that the forum will achieve its objectives and come out with concrete and pragmatic recommendations that will guide the implementation process for amending the constitution as indicated in the 2018 Message on the State of the Nation by His Excellency the President and the consequential constitutional, legal, institutional, financial and capacity building reforms.

5. PRESENTATIONS AND DISCUSSIONS

A. Political Parties' Participation in Local Governance in Ghana: The Debate and the President's 2018 Decision - Professor Joseph Atsu Ayee, IDEG & University of Ghana

During his presentation, Prof. Ayee noted that in building a new local governance system in 1988, political parties were excluded from actively participating in decentralized local governance. According to him the arguments for the exclusion of political parties from local governance include the nation is not ready for political party participation in local governance, potential politicization and violence, sabotage of the President by sitting Metropolitan, Municipal and District Chief Executives (MMDCEs) who do not come from the ruling party, corruption, and the fact that a non-performing MMDCE cannot be dismissed by the President unless he has completed his tenure. On the other hand, he argued that those in favor of multi-party local governance elections are of the view that it would reduce tension, winner-takes-all politics, feeling of marginalization, promote accountability, and increase voter turnout in local government elections. Prof Ayee ended his presentation by calling on all to embrace the change and defend it in order to deepen political accountability as well as to ensure accelerated transformational local economic development.

Discussion and Recommendations

At the end of his presentation:

- Majority of participants supported the election of MMDCEs and District Assembly members on political party basis.
- Some participants expressed disappointment about the weak capacity of political parties to contest elections at the local level. They therefore called for political parties to be strengthened to be able to work both at the national and local levels.
- It was proposed that if political parties are the ‘heart and soul’ of every democracy, they must play a role both in national and local level politics.

B. Pre-Conditions and Potential Benefit of a Multi-Party Local Governance System – Mr. Kwesi Jonah, Senior Research Fellow, IDEG

Mr. Jonah underscored the fact that the election of the MMDCEs on party basis is only one important requirement to deepen democratic devolution in Ghana. However, it would be meaningless if the amendment does not lead to consequential reforms. In his view, some conditions must exist in order to strengthen parties and the electoral system. These include but not limited to: regulation of political parties and their activities, funding for specific party activities, building the capacity of parties for local governance development, inclusive governance as well as effective professional and meritocratic public service.

Discussion and Recommendations

At the end of his presentation:

- It was acknowledged that political party participation in local elections would reduce work load and burden of the President in appointing MMDCEs and deal with the act of self-deception about the involvement of parties in district level elections.
- It was emphasized that Affirmative Action to empower women would play a role in the local governance system since it aims at removing the artificial barriers and socio-cultural hindrances that undermine their participation.
- It was proposed that the reform would ensure that political parties have control over resources and power in their strongholds even when they lose elections at the national level. This is the fairest way to deal with the marginalization of political parties after elections.

C. Implementing the President’s Decision: Technical Actions – Prof. Kofi Quashigah, Dean, University of Ghana School of Law

In his presentation, Prof. Kofi Quashigah, stressed the lack of clarity and ambiguous role of Parliament in the amendment of the entrenched provisions of the 1992 Constitution. According to him, the minimal role performed by Parliament makes the Executive the only entity that could determine the subject matter for the amendment of an entrenched provision. To deal with this challenge he underscored two options to address this:

- a. The Supreme Court interpretation on the exact role of Parliament in the amendment of entrenched provisions of the Constitution under Article 290. This is the long route which may not be appropriate given the limited time for the amendment process.
- b. Get a bipartisan agreement from both Parliament and the Executive to have an understanding about the role that Parliament could play. This is a more appropriate

route as it does not involve much time and can be done within the stipulated time of the amendment process.

Discussion and Recommendations

At the end of his presentation it was recommended that:

- Amending the entrenched Article 55 of the Constitution is a time-consuming exercise. Accordingly, a concerted effort of both civil society and bipartisan support as well as the willingness and courage demonstrated by the President to ensure democratic devolution would ensure a successful reform in the local governance system. Once the support and public ownership are garnered, the timelines would be met.
- Intense and coordinated dialoguing with political elites and other key stakeholders must be pursued to secure a bipartisan support of the amendment process.
- The inclusion of other political parties would help curb the persistent threat of electoral violence.

In conclusion, Prof. Kwasi Prempeh, Executive Director, Centre for Democratic Development, who was the moderator for the session noted there is great virtue introducing multiparty MMDCE election. However, it is not going to be easy unless citizens mobilize to meet the 40 percent voter turnout and 75 percent approval for a YES vote at the referendum (“Agenda 40/75”). He said that apathy may kill the reform because in reality some members of the incumbent party do not like the idea; adding that it is easier to lobby rather than be abrasive in the approach to get a buy in for the amending process. He urged CSOs to mobilize broad based popular support to ensure a successful outcome of the referendum in 2019.

D. Implementing the Constitutional Amendment and Referendum: Panel Discussion on the Role of CSOs & Media- Dr. Esther Ofei-Aboagye, Chairperson, STAR-Ghana

Dr. Esther Ofei-Aboagye, moderator for this session focused the discussions on the role of the CSOs in building elite consensus, securing bi-party support, mobilizing broad-based support and engaging the relevant state institutions to move forward the amendment process within the stipulated time. Participants also deliberated on putting together an appropriate governance structure for adopted model.

Generally, it was held that there should be a coalition of CSOs in support of the amendment process and to achieve “Agenda 40-75”. There should be a secretariat to run the activities of the Coalition. Alternatively, a secretariat may be set up to push the activities while some members of the coalition may also perform some of the roles of the Coalition. However, there should be a central and focal coordinating unit.

E. The Youth and Transformational Local Governance Reform – Prof. Ransford Gyampo, IDEG & University of Ghana

Prof. Gyampo noted that the youth constitute the bulk of Ghana’s labor force and voting population and are the core agents of change. Therefore, they cannot be excluded from any meaningful discourse on development. He noted that the youth are the present and future productive members of society as well as the fulcrum around which any development process must revolve. They are not only the future leaders and those to receive the baton for what is begun today but are also the life wire connecting the past to the present and the present to the future. Any democratic reform and its implementation must necessarily include them to ensure success.

Prof Gyampo therefore urged CSOs to sensitize the youth about the potential benefit of “Agenda 40/75” to the youth. He called on the youth to form a constituency that transcends partisanship; educate their peers about the benefits of direct participation of political parties in local governance elections; and mobilize massive support for a “YES” vote in the 2019 referendum.

Discussion and Recommendations

The following are comments and contributions made:

- Young people have been excluded from decision making at all levels. To be able to participate in local governance, their capacities must be built.
- Some young participants wondered the tangible benefits of “Agenda 40/75” for them. It was argued that their participation in the referendum to ensure a resounding “YES” vote was crucial in ensuring the implementation of development projects by political parties at the grassroots that would improve the living conditions of the youth.
- Others highlighted the general challenges that further marginalize young people in all spheres of life and undermine the use of their potential, energy and zeal for national development.
- In achieving the quest for youth constituency, it was reported that the Ghana Youth Federation had been formed and could help unite young people. It was, however, noted that the formation of a youth constituency that transcends partisanship was crucial in dealing with youth challenges; keeping regimes on their toes to better the lots of young people; and promoting ownership and acceptance of the reform proposals to be triggered by “Agenda 40/70”.

6. BREAK OUT SESSION

Participants were clustered into three groups to respond to the following questions:

- **Group A-** How can we exceed the 40 percent turnout and the 75 percent approval in the 2019 national referendum?
- **Group B** – What are the challenges and risks involved in conducting non-partisan district level elections jointly with the national referendum in view of a potential violation of the law (Article 55(3)) – Recommendations for a best approach to ensure desirable outcomes?
- **Group C-** How can bi-party collaboration be secured for the constitutional amendment bill to be gazetted before parliament rises in December 2018?

At the end of the forum participants issued a communique on their collective agreements. The communique, *inter alia*, highlighted the resolve of the CSOs to work together in building an all-party support for the implementation of the President's decision to improve democratic devolution in Ghana through the amendment of article 55 and other consequential reforms.