

shift by the public on the election of Metropolitan, Municipal, and District Chief Executives as indicated in the surveys of the National Commission on Civic Education in 2015 and Afrobarometer in 2018. Indeed, the Afrobarometer survey shows that 41% of Ghanaians wanted Metropolitan, Municipal, and District Chief Executives to be elected on party basis while 52% indicated election on non-party basis.¹⁴

Perhaps the most definitive stance on the election of Metropolitan, Municipal, and District Chief Executives is the directive by President Nana Addo Dankwa Akufo-Addo in his State of the Nation Address delivered to Parliament on February 8, 2018 that the entrenched Article 55 of the 1992 Constitution should be amended in a Referendum to pave the way for the direct multi-party election of Metropolitan, Municipal and District Chief Executives. For the effective use of resources, the Referendum is to be held together with the 2019 district level elections.

The positive outcome of the Referendum (40% turnout of voters and 75% approval) will lead to consequential reforms with beneficial outcomes. They include reducing the appointing powers of the President - he will no longer appoint 259 Metropolitan, Municipal, and District Chief Executives. Inclusion of all the political parties in the competition for executive power at the Metropolitan, Municipal, and District Assemblies will dismantle the winner-takes-all system and minimize the cyclical fears and threat of electoral violence, deepen transparency and accountability, devolve more power and resources, enhance local development and reduce the conflict

and tension between Members of Parliament and Metropolitan, Municipal and District Chief Executives.

5.2 Some preconditions for the success of the transformational structural reforms

- i) Pursue unwavering commitment and support from the Presidency and rank and file of the New Patriotic Party as the party in government.
- ii) Build inter-party consensus, support and cooperation among the New Patriotic Party and National Democratic Congress given their strengths in Parliament as none of them has the two-thirds majority (New Patriotic Party and National Democratic Congress have 169 (61%) and 106 (39%) seats respectively) required to amend a non-entrenched provision of the Constitution.
- iii) Mount a vigorous and coordinated public education programme to garner broad based support from all stakeholders to secure a “Yes” vote in the 2019 public referendum to amend Article 55(3) of the Constitution.
- iv) Deepen interface between all stakeholders in decentralized local governance including government, political parties, civil society organizations, development partners, and citizens to be able to implement the consequential constitutional-legal, institutional, human resource and financial reforms which will be triggered by the positive outcome of the 2019 public referendum.

¹⁴ Afrobarometer Report, Round 7. Accra: Ghana Centre for Democratic Development, 2018.

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THREE DECADES OF DECENTRALIZED LOCAL GOVERNANCE IN GHANA: WHERE ARE WE FROM? WHERE ARE WE NOW? WHAT MORE NEEDS TO BE DONE?

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1. Introduction

The promulgation of the 1988 Local Government Law (PNDC Law 207) in Ghana marks the beginning of one of the most comprehensive decentralized local governance reforms in Africa. Countries such as Uganda, Tanzania, and Sierra Leone visited Ghana to learn about the success of the Ghanaian brand of decentralized local governance and adapted it to suit their contexts. The reforms were meant to transfer power, functions, responsibility, and fiscal human resources from the central government to the local level for development.¹ They were also aimed at giving the local citizens the opportunity to participate in decision-making that affects them.²

1993, the 1992 Constitution of Ghana has far-reaching decentralization provisions in Article 35 (d) of the Directive Principles of State Policy and Chapter 20 on “Decentralization and Local Government”. The constitutional provisions on decentralization and local government as has been the trend in some other African countries reinforce the view that there cannot be any meaningful and sustained local development without genuine and effective local governance.

Even though there has been progress in the practice of decentralized local governance for the past three decades (that is, from 1988 to 2018), there are several deficits which have undermined the progress made so far.

With the return to multi-party democratic rule in Ghana, the purpose of this paper is to assess the state of

¹ J.R.A. Ayee, “The Balance Sheet of Decentralization in Ghana”, in Fumihiko Saito (ed.) *Foundations for Local Governance: Decentralization in Comparative Perspective*. Leipzig: Physica-Verlag Springer, 2008, Chapter 11: 233-258; Kwamena Ahwoi, *Local Government and Decentralization in Ghana*. Accra: Unimax Macmillan, 2010; Kwamena Ahwoi, *Decentralization in Ghana: A Collection of Essays*. Tema: Winmat Publishers, 2017.
² Felix Asante and Joseph Ayee, “Decentralization and Poverty Reduction in Ghana” in Ernest Aryeetey and Ravi Kanbur (eds.) *The Economy of Ghana: Analytical Perspectives on Stability, Growth and Poverty*. Oxford/Accra: James Currey/Woeli Publishing Services/, 2008, Chapter 15: 325-347.

decentralized local governance. It addresses three questions: (i) *Where are we from?* (ii) *Where are we now?* and (iii) *What more needs to be done?*

2. Decentralized Local Governance in Ghana: Where are we from?

Decentralized local governance, similar to the political history of the country itself, has had a chequered historical trajectory since independence in 1957. Political parties were part of the decentralized local governance system from 1957-1959 and were later barred, in keeping with the intention of the government of Dr. Kwame Nkrumah's Convention People's Party (CPP) government to have a one-party state. Until the overthrow of the CPP government in February 1966, decentralized local governance was characterized by growing authoritarianism, over-centralization, fragmentation of the local government units, poor service delivery, and limited financial resources. In addition, councilors resented the encroachment on their powers by local party officials, which led to frosty relationship between councilors and party-appointed District Commissioners (DCs).³

Even though the post-Nkrumah period was marked by several reforms on decentralized local governance based on the recommendations of commissions and committees of enquiry, succeeding governments could not implement most of them largely because of political instability and lack of commitment and support. In fact, decentralized local governance was in a state of constant flux. Things however, changed in July 1987 when the Provisional National Defence Council (PNDC) in search of a rural support base launched a decentralization programme in a document popularly known as the "Blue Book" which was presented as the "critical building blocks for the construction of true democracy".⁴ The "Blue Book" which set out proposals for the reform of local government was subjected to a nation-wide discussion between late 1987 and middle of 1988.

It was subsequently revised by the PNDC and in November 1988, the Local Government Law (PNDC 207), which embodied the decentralized local governance proposals was promulgated.

Apart from searching for a rural support base, the decentralization programme of the PNDC was intended to "obstruct demands for liberal democratic reforms"⁵ and to satisfy the **"aims of the Revolution for participatory democracy, and an electoral process without the involvement of political parties at the local level. The opportunity for the electorate to question candidates on platforms mounted by the National Commission for Democracy took the system out of the control of the political class, while facilitating debate and transparency"**.⁶ President Rawlings' elaboration of the district assembly system was precisely the kind of advantage that made easy his decision to embrace elections in 1992: **"The local government reforms enabled the PNDC to strike up working relations with the most influential power brokers at the community level... those who were elected to the district assemblies tended to be the very same figures who conventionally dominated community affairs"**.⁷ The district assembly system is thus rooted in attempts by Rawlings to consolidate power by extending the bounty of the state to local elites.

Districts were increased from 65 to 110 and called District Assemblies. Decentralized local governance is a four-tier structure consisting of the Regional Coordinating Councils (de-concentrated units in the regions to monitor, and coordinate the District Assemblies), District Assemblies (the political, legislative, executive, administrative, planning, and taxing authorities in charge of local development) and subdistrict structures (Town/Area Councils) and Units Committees. Two-thirds of the members of the District Assemblies are elected on universal adult suffrage while one-third are appointed by the President in consultation with traditional authorities

Municipal, and District Assemblies cannot also discharge their responsibilities of consulting the electorate before and after meetings because of financial constraints arising out of inadequate sitting allowances. In addition, public hearings by the Metropolitan, Municipal, and District Assemblies on proposed district development plans are seldom conducted, on financial grounds. The Metropolitan, Municipal, and District Assemblies as corporate bodies are not financially accountable to the electorate. Their monthly trial balances and annual audited accounts are not internally discussed but are rather sent to the Minister of Local Government and Rural Development and Parliament through the Regional Coordinating Councils.

- f) Decentralized local governance has led to conflicts or frosty relations between some Members of Parliament and Metropolitan, Municipal, and District Chief Executives because of the latter's ambition to become future Members of Parliament as they lack tenure of office due to the President's power of dismissal at any time. Some Metropolitan, Municipal, and District Chief Executives have therefore been scheming to dislodge Members of Parliament in their absence. This situation has led to insecurity as some Members of Parliament have not been able to use their time profitably on their core mandates (law-making, representation, and oversight) but rather tend to be preoccupied with retaining their seats in Parliament by focusing on local development. The constant tension and conflict between Members of Parliament and Metropolitan, Municipal, and District Chief Executives are diversionary and, in some cases, have led to institutional paralysis at the local level. They have also affected the performance of some Members of Parliament and Metropolitan, Municipal, and District Chief Executives. Parliament itself has witnessed a turnover of Members of Parliament (for instance, 50 per cent of the Members of Parliament of the 7th Parliament of the Fourth Republic are new) leading to the loss of institutional memory and ineffectiveness.¹³ The conflict between some Members of Parliament and Metropolitan, Municipal, and District Chief Executives has affected the chances of incumbent governments of the Fourth Republic as either votes are lost for presidential candidates or seats lost for the parties.

5. Decentralized local governance in Ghana: What more needs to be done?

Transformational structural reforms are key

5.1 Transformational structural reforms

The weak state of decentralized local governance is due to a myriad of problems and challenges which call for transformational structural reforms at the policy

(constitutional-legal), institutional, human resource, and financial levels. One of the key transformational reforms, in spite of its perceived insignificance, is to allow political parties to participate in decentralized local governance.

Fortunately, there is a convergence among the political parties in their 2016 election manifestos for the election of Metropolitan, Municipal, and District Chief Executives without stating whether they should be elected on party basis or not. There is also a

³ Joseph R.A. Aye, *An Anatomy of Public Policy Implementation: The Case of Decentralization Policies in Ghana*. Aldershot: Avebury, 1994.

⁴ Republic of Ghana, *District Political Authority and Modalities for District Level Elections*. Tema: Ghana Publishing Corporation, 1987, p. 2.

⁵ P.V. Obeng quoted in R.B. Riedl, *Authoritarian Origins of Democratic Party Systems in Africa*. Cambridge, MA: Cambridge University Press, 2014, p.9.

⁶ Obed Asamoah, *The Political History of Ghana (1950-2013): The Experience of a Non-Conformist*. Bloomington, IN: AuthorHouse, 2014, p. 437.

⁷ P. Nugent, *Big Men, Small Boys and Politics in Ghana: Power, Ideology and the Burden of History, 1982-94*. London-New York: Pinter, 1995, p. 205.

¹³ Interaction with the Majority Leader, first week of September 2018.

grants and other donations; and budgetary allocations made annually to the Regional Coordinating Councils in the national budget in the Local Governance Act, Act 936 remain insufficient.

The sub-district structures (Urban/zonal/Town/Area Councils and the Unit Committees) are either non-functional or dysfunctional largely because of a lack of both human and logistical resources.⁸ Others have noted that their mandates have been taken over by non-governmental organizations and civil society organizations and therefore they are irrelevant.⁹

Administrative decentralization which involves the inter-service and inter-sectoral collaboration and cooperation and the integration of some central line ministries, departments, and agencies has not happened as envisaged because the key ministries of education and health are yet to be integrated under the Metropolitan, Municipal, and District Assemblies. The functional jurisdictions of the various stakeholders in administrative decentralization is yet to be effectively demarcated. Even though the creation of the Local Government Service is to secure the **“effective administration and management of the decentralized local government system in the country”**.¹⁰ it is unable to do this and facilitate administrative decentralization because of resistance and resource challenges.

The membership of the Metropolitan, Municipal, and District Assemblies themselves is problematic and inbuilt with potential conflict. The membership consists of 70% members elected by universal adult suffrage on non-party basis, 30% appointed by the President based on their expertise and in consultation with traditional authorities and other interest groups in the Metropolitan, Municipal, and District Assemblies, the Member(s) of Parliament whose constituency or constituencies fall(s) within the Metropolitan, Municipal, and District Assemblies and Metropolitan,

Municipal, and District Chief Executives, who are appointed by the President after approval by two-thirds majority of Assembly members present and voting. This combination of elected and appointed people has created opportunities for conflict among some of the functionaries especially between the Metropolitan, Municipal, and District Chief Executives and Members of Parliament, Metropolitan, Municipal, and District Chief Executives and Presiding Members, as well as elected and appointed members largely because of their political ambitions, disagreement over sharing of resources, and poor human relations.

3.3 Human resources

The quality of some of the human resources of the Metropolitan, Municipal, and District Assemblies is weak. There have been complaints about the performance of some Metropolitan, Municipal, and District Chief Executives and members of Metropolitan, Municipal, and District Assemblies, who have exhibited limited knowledge and information about **“local government best practices”**.¹¹ The criteria for selecting both Metropolitan, Municipal, and District Chief Executives and members of Metropolitan, Municipal, and District Assemblies have been questioned as a result of the performance of some of them. It might be useful to design criteria that will largely reduce some of the effects of the extreme partisanship in appointing only party members to the position of Metropolitan, Municipal, and District Chief Executives and 30 percent membership of Metropolitan, Municipal, and District Assemblies by ensuring that even if that is done, some competence and diligence will be introduced into the Metropolitan, Municipal, and District Assemblies.

3.4 Financial resources

Money has been described as the **“lifeblood”** of decentralized local governance and therefore

largely determines effective intergovernmental relations. However, fiscal decentralization does not go far enough. For instance, the discretion of the Metropolitan, Municipal, and District Assemblies to use proceeds from the District Assemblies Common Fund is undermined by Section 126(3) of the Local Governance Act, Act 936 of 2016 which stipulates that **“The Minister (responsible for Local Government and Rural Development) shall, in consultation with the Minister responsible for Finance, determine the category of expenditure of the approved development budget of District Assemblies that must in each year be met out of amounts received by the District Assemblies from the District Assemblies Common Fund”**.

Deductions often covering items that are ‘forcibly’ sold to the Metropolitan, Municipal, and District Assemblies by the central government are regularly made at the national level from the respective Metropolitan, Municipal, and District Assemblies’ allocations of the District Assemblies Common Fund before the remaining allocations are sent to them. These deductions at the national level sometimes results in a situation in which some Metropolitan, Municipal, and District Assemblies were left with only one-third of their share with which to carry out their numerous functions. Thus, although in theory there is fiscal decentralization, this does not seem to be the case in practice since the Metropolitan, Municipal, and District Assemblies do not have sufficient control over the disbursement of their respective allocations of the District Assemblies Common Fund. Accordingly, it has been conceded that **“fiscal autonomy remains weak, arising out of low capacity and limited opportunity for mobilizing local revenue, while many expenditure decisions are taken at central government level”**.¹²

In addition, the 7.5 per cent of total government revenues for disbursement from the District Assemblies Common Fund is considered inadequate while the Auditor General reports are replete with misappropriate and misapplication of funds thereby

questioning the capacity of the Metropolitan, Municipal, and District Assemblies to handle such large proceeds from the District Assemblies Common Fund. The majority of the Metropolitan, Municipal, and District Assemblies cannot generate revenue internally leading them to over-rely on disbursements from the District Assemblies Common Fund and thereby stalling their infrastructural development and operations as sometimes the disbursements are in arrears. The donor supported District Development Facility and Urban Development Grant risk being discontinued as donors pull out; sustainability is problematic in spite of the suggestion that the District Development Facility and Urban Development Grant must be part of the annual budget of the government.

3.5 Exclusion of chieftaincy and disadvantaged groups from decentralized local governance

The current decentralized local governance framework excludes chiefs and queen-mothers and disadvantaged groups such as women, the youth, people with disabilities, and some ethnic minorities. Even though the 1992 constitution provides that the selection of appointees into the Metropolitan, Municipal, and District Assemblies must be done by the President in “consultation with traditional authorities and other interest groups”, this has hardly been the case in practice, thereby attracting protests from traditional authorities. In addition, the directive that the 30% of the 30% members of the Metropolitan, Municipal, and District Assemblies which are appointed by the President should be reserved for women has not been enforced. The youth, people with disabilities, and ethnic minorities also feel alienated from the operations of the Metropolitan, Municipal, and District Assemblies as there is no provision for their representation. In some cases, however, the appointment of Metropolitan, Municipal, and District Chief Executives by the President is used as a compensatory measure to deal with ethnic minorities.

⁸ Republic of Ghana, National Decentralization Policy Framework, 2015-2019. Accra: IMCC on Decentralization, 2015; and Republic of Ghana, National Decentralization Action Plan, 2015-2019. Accra: IMCC on Decentralization, 2015.

⁹ Joseph R.A. Ayee, “Sub-District Structures and Popular Participation”, in W. Thoni, P.W.K. Yankson and S.Y. Zanu (eds) A Decade of Decentralization in Ghana: Retrospect and Prospects (Accra: EPAD Project/Ministry of Local Government and Rural Development, 2000), Chapter 3, pp. 127-156.

¹⁰ Republic of Ghana, Decentralization Policy Framework. Accra: MLGRD, 2010 (April), p. 27.

¹¹ Kwamena Ahwoi, Decentralization in Ghana: A Collection of Essays. Tema: Winmat Publishers, 2017.

¹² Republic of Ghana, The Coordinated Programme of Economic and Social Development Policies, 2017-2024. An Agenda for Jobs: Creating Prosperity and Equal Opportunity for All. Presented by Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana to the 7th Parliament of the 4th Republic on 20th December 2017, p. 49.

3.6 Improved local infrastructure

There is evidence of improved local infrastructural development especially in the form of offices for the Metropolitan, Municipal, and District Assemblies, electricity, schools and roads as a result of

decentralized local governance. The provision and delivery of most of the services such as sanitation are seen by residents as inadequate and ineffective. There is therefore more room for improvement as citizens continuously agitate for more projects and services.

4. Current state of decentralized local governance is weak

The current state of decentralized local governance in spite of its practice for 30 years is weak on the following grounds:

- a) There is incomplete political, administrative, fiscal, and economic decentralization leading sometimes to recentralization.
- b) Slow progress has been made in the realization of the goal of a free and just society and the political, economic, social, educational, and cultural objectives of the Directive Principles of State Policy of the 1992 Constitution in spite of the country's status as a lower middle-income country and the halving of poverty. Regional and district disparities exist. The gap between urban and rural poverty has doubled. Reports of United Nations International Children Emergency Fund and United Nations Development Programme in 2017 have pointed out the levels of deprivation and vulnerability in the country. There is general dissatisfaction with decentralized local governance because Metropolitan, Municipal, and District Assemblies are unable to perform most of their functions effectively and efficiently.
- c) The constitutional rules for decentralization vested nearly unfettered power in the President to organize and control key defining traits of true decentralized local governance, such as (i) appointment of Metropolitan, Municipal, and District Chief Executives (Article 242 (d) and Section 20(1) of Act 936); (ii) creation of new districts (Section 1(2) of Act 936, which is in exercise of Article 241 (2) of the 1992 Constitution; (iii) appointment of 30% of the members of Metropolitan, Municipal, and District Assemblies (Article 243 (1) of the 1992 Constitution and Section 5(1d) of Act 936); and (iv) appointment of the Administrator of the District Assemblies Common Fund (Article 252 (4) of the 1992 Constitution).
- d) Between 1998 and 2015 voter turnout in the non-party based district level elections was consistently low, ranging between 33% and 41% as against between 75% and 85% for the presidential and parliamentary elections for the same period.
- e) The appointment of the Metropolitan, Municipal, and District Chief Executives and 30% Metropolitan, Municipal, and District Assembly members have tended to undermine accountability as these officials are more accountable to the President who has appointed them than to the Metropolitan, Municipal, and District Assemblies. Members of Metropolitan,

and interest groups in the districts. District level elections were also held in 1988/89 and in the post-1992 Constitution period.

It is instructive to note that the system introduced by President Rawlings in 1988 remains largely intact about a quarter of a century later, making it the longest-lasting, most stable, and most locally responsive local government system in the history of independent Ghana.

3. Decentralized Local Governance in Ghana: Where are we now?

The constitutional, legal, institutional, and financial framework remains in place in spite of several challenges.

3.1 Policy framework

The policy framework of decentralized local governance is largely provided by the 1992 Constitution and the Local Governance Act, Act 936 of 2016. The main objective of decentralized local governance is to promote democracy, participation, and development and to devolve more power and resources to the regions and districts. For instance, Article 35(6d) enjoins the state to take appropriate measures to **“make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government”**. This stipulation has been contradicted by the prohibition of political parties in decentralized local governance in Article 55(3) of the same 1992 Constitution:

Subject to the provisions of this article, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for elections to any public office other than to District Assemblies or lower local government units.

The non-participation of political parties in decentralized local governance is not only farcical; a charade and a huge exercise in self-deception, but has also marginalized political parties that have failed to win national elections and be part of the executive thereby perpetuating exclusion, the winner takes all politics, and cyclical threats of fear and electoral violence.

Decentralized local governance is also to promote and enhance development. In this connection, Article 252(2 & 3) of the constitution stipulates that Parliament shall annually make provision for the allocation of not less than 5% of total revenues of the country to the Metropolitan, Municipal, and District Assemblies for development. The amount is to be paid to the District Assemblies Common Fund in quarterly instalments and distributed to the Metropolitan, Municipal, and District Assemblies on a formula to be approved by Parliament. The Metropolitan, Municipal, and District Assemblies are responsible for overall local development and are therefore political, executive, legislative, administrative, deliberative, planning, and taxing authorities and are expected to provide guidance, direction, and supervision to other administrative authorities in their jurisdictions.

3.2 Institutional framework

The institutional framework of decentralized local governance includes a Regional Coordinating Council (RCC) and a four-tier Metropolitan and three-tier Municipal and District Assembly (MMDAs) system. There are 259 Metropolitan, Municipal, and District Assemblies. Concerns have been raised over the creation of more districts, some of which are seen as not meeting the criteria of population, geographical contiguity, and economic viability but rather created for political reasons. This despite claims by governments that more districts will lead to democracy and local development. The Regional Coordinating Councils cannot properly perform their planning, monitoring, and coordinating roles because of budgetary constraints. Provisions made for their funding such as a percentage of the District Assemblies Common Fund determined by Parliament;