**STAR GHANA II: EMERGING ISSUES IN DECENTRALIZATION AND LOCAL GOVERNANCE**

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**Overview**

This paper reviews the decentralization experience and the status of local governance in Ghana focusing on the assembly system. It is intended to provide a basis for civil society action and engagement with local authorities, citizens and stakeholders in local level development. The paper is organized in three (3) parts. In the first part, the paper provides a brief overview of work in local governance and decentralization done under STAR I. It presents critical issues that arose in a scoping exercise undertaken under STAR II and the perspectives that emerged from the review. The paper comments on reforms that have been undertaken in the decentralization process and the perceived achievements, political, administrative and economic. It proposes that a score card to assess reform performance needs to be developed. Part 1 concludes with issues for reflection.

The second part presents a potential agenda for civil society study, capacity strengthening, citizens’ engagement, advocacy and collaboration. Eight (8) inter-related thematic areas are discussed and under each, the potential interest and areas of concern for civil society consideration have been proposed. They include financing, sustaining legislative and policy reform, measuring performance and accountability, equitable development and social inclusion, deepening decentralization, institutional retrofitting, building partnerships, capacity development and planning.

The third section of the paper brings issues together under the framework of the Sustainable Development Goals (SDGs). A lot of the issues raised in the preceding parts are reiterated in the prospects for localization and the responsibilities of Ghanaian local authorities and stakeholders. It presents possible interests and areas of engagement for Civil Society. The paper concludes with a reflection on what it has attempted to do and a commentary on the status of the gaps in local governance and decentralization under STAR 1.

**PART ONE: OVERVIEW OF REFORMS IN LOCAL GOVERNANCE AND ISSUES EMERGING FOR REVIEW**

**1.1 Introduction**

The decentralization process initiated through the assembly system in 1988 brought into being local authorities with a range of legally mandated responsibilities and powers. From the initial 110 assemblies in 1988, 254 local authorities were in place in 2018 three decades later.

Decentralization is considered to have opened up the country and created greater appreciation of the different social, historical, cultural and economic circumstances of parts of Ghana, thereby strengthening the argument for more disaggregated, more responsive development. The decentralization process has also encouraged the implementation of a wide range of pilot initiatives by different institutional actors under various arrangements (Ofei-Aboagye, 2008).

STAR I supported work on Local Governance and Decentralization including actions to give voice and visibility to gender and disability issues; promote the use of mobile telephony in relation to demands for local government services; and enhance monitoring and reporting through information, communication technology (ICT). In May 2014, a Community of Learning (CoL) event reviewed STAR-partner initiatives. The review reinforced the need for CSOs and NGOs to be interested in local planning and budgetary processes. The potential for linkages between civil society and sub-national authorities to augment local capacity and sustain various development interventions was considered. The review concluded that integrating good practices and lessons from development experiences into national and local planning and programming was imperative (STAR-Ghana/ILGS, 2014).

The CoL identified the following challenges with the decentralization process:

* Citizens’ lack of knowledge of the services to which they are entitled and the right channels to seek redress thereby promoting a culture of non-accountability at the local government level;
* Absence of an adequate legal framework and clear-cut guidelines on the role of citizens and CSOs in assembly work
* The need for unambiguous standards in service delivery
* Low commitment on the part of state actors to dialogue with non-state actors
* Funding gaps in infrastructural development
* Political interference, partisan polarization and fear of victimization
* Inimical socio-cultural practices with implications for human rights
* Lack of resources to track revenue mobilization and expenditure at the assembly level and
* Missed opportunities for technology application arising from inadequate finances to buy user-friendly and accessible software by citizens and capacity gaps.

Common areas for lessons learning, advocacy and intervention were clustered into six (6) main thematic areas:

1. Advocating basic service delivery and development management at the local level
2. Fostering accountability and public access to information in local governance
3. Improving social dialogue and relationships between non-state actors for advocacy and accountability
4. Promoting gender, inclusion, disability and diversity in local governance
5. Supporting sustainable interventions for poverty reduction, local economic development, resource mobilization and utilization and
6. Deployment of innovative technologies and media for citizen’s participation.

As a follow-up to these efforts and in anticipation of the STAR II 2018 Local Governance and Decentralization Call, a scoping exercise was conducted. The exercise took into account work undertaken under STAR I, lessons learned from other initiatives, government policy performance and priorities, STAR’s Political Economy Analysis (PEA) Framework and a 2017 PEA Study (Transforming Public Service Delivery in Ghana).

The scoping exercise

* Undertook a historical analysis of approaches to local governance and decentralization and a commentary on performance to date
* Reviewed political economy analytical tools including stakeholder and power analysis; institutional choice and political settlements; and stakeholder analysis
* Examined the interests and influence of stakeholders in a power analysis, namely
* Government or state institutions (national and international)
* Non-state and civil society (national and international) including research and academic institutions and media as well as local level traditional, community-based and membership organizations
* Private sector (national and international) and
* Individuals (namely public office holders, representatives and duty-bearers) and citizens including special interest groups
* Examined local government reforms over three decades of the assembly system (1988 to 2018), the achievements and the effects
* Explored how citizens’ participation had been provided for in assessing performance in local delivery of public services
* Considered gender and social inclusion provisions in the local governance environment and how the decentralization process could promote these agendas
* Reflected on the emerging international agenda such as the Sustainable Development Goals (SDGs) and the implications for local authority action and local governance in Ghana including the lessons from the Millennium Development Goals (MDGs) and the opportunities and challenges
* Explored current national priorities such as the establishment of New Development Authorities (NDAs), the Zongos and Inner City Development Agenda, the One District- One Factory Programme and the Infrastructure for Poverty Eradication Programme (IPEP) and the District Industrialization Programme; and
* Distilled prospects for participation and engagement by civil society and Star II action.

Political economy questions were posed to practitioners and stakeholders in local governance. Some of the issues that were explored included the motivations and context for operationalizing the decentralization process; the performance of, constraints and roadblocks to reforms; and ongoing and prospective reforms and incentives and disincentives to support these. Other areas of enquiry examined the availability of information for participation and the scope for accommodation and incorporation of local knowledge and needs.

The roles and incentives for different players and partners, sources of political, economic and social fragility and elites in local governance and the decentralization were explored. Accountability, propelling reforms forward and the roles of civil society were considered.

**1.2 Some Issues Emanating from the Scoping Review**

Through the political economy analysis, the influence of hitherto under-estimated players in the local environment was better appreciated. This allowed for a more nuanced assessment of power, interests and influences in the decentralization process. They included international and national private sector operators (including financial institutions and construction firms), smaller, formal firms and informal economy operators, professional associations, traditional authorities, media, faith-based leaders and organized labour. Other insights that emerged were as follows.

The differences in spaces, interests, resources and effects of various stakeholders need to be further unpacked. The roles and motivations of administrators, members of parliament, opinion leaders and public office-holders needed to be assessed as separate categories; as well as their collective effect as the elite in Ghana’s decentralization process had to be better understood to appreciate their effect on local level development. The levels, interests, spaces, resources and capacities of rights-holders also needed to be disaggregated for the relevance of the decentralization process to them and the effectiveness of service delivery by assemblies to better understood.

The analysis of the relative contributions and importance of stakeholders suggested that particular categories of players could have different levels of influence in different spheres/at different levels of governance. Some players would be powerful at the local level but not at the regional or national; and their influence pertinent for effective local level development and local governance.

Some actors were interested in different aspects/sectors of local level development not in decentralization as a whole. For instance, some international development actors were more interested in education or agriculture than in health or infrastructure or the total functioning of the decentralized machinery. These needed to be taken into account in assessing integrated local development.

It emerged that more information emanates from government to the citizenry than from society to local and national authorities. Elections are not adequate as voice mechanisms in local governance since they happen only once in four years. Assembly members also do not provide robust feedback mechanisms. Other voice mechanisms such as town hall meetings, consultations and user panels have not been used effectively or sustained. Other representatives such as traditional authorities, faith leaders and MPs may have had some influence with assemblies but the performance of these channels to exact accountability has not been consistent or optimized.

Local level service delivery has taken place through national and sub-national government structures as well as special project teams and programme-based inter-sectoral coordinating mechanisms. The efficacy of these arrangements and their impacts on sustainable delivery, including the implications for building local capacity and ownership, need to be further assessed.

There had been a common perception that local authorities and local government functionaries lacked the requisite capacity to deliver development, including logistics and know-how. As a result, wide-ranging efforts have been made over the three decades by central government entities, development partners, consulting firms, NGOs and CSOs. The efforts to train assembly staff and actors have often not provided sufficient opportunities for assemblies to learn from their own experiences or evolve bottom-up capacity, responsive to local conditions or through local level collaboration with citizens’ groups, local level associations and utilization of local knowledge.

The challenges of operating a non-partisan local government in a partisan national government environment include political influences on selection of local representatives (assembly members); polarization in decision-making in assemblies; tensions around control over district level public facilities such as toilets and markets; and perceptions of inordinate control of local constituency officers of the ruling party over the assembly leadership.

An important concern that emerged was that several good initiatives did not go beyond the pilot stage and dried up without the funding to support or upscale them. This had implications for sustainability. Even though some projects had sustainability considerations built into their design, they did not last beyond the start-up phase. Reasons given as to why they did not gain traction included lack of local ownership and accountability concerns. A question that emerged was how the lessons that had emerged had been ploughed back into local governance arrangements and practice.

The power analysis revealed considerable potential for cooperation between political, economic and social elites but also overlap in the sources of their influence. People with high economic and professional status tended to have social influence and political clout. How, they could combine these sources of power for promoting good governance needed to be raised. Areas for potential conflict between key actors, such as MPs and DCEs, and with traditional authorities were also been recognized.

While reforms designed to put more resources in the hands of the disadvantaged had the potential to change their circumstances, more was required to change power relations in their favour. Investments in the marginalized had to go beyond material or economic resources and be accompanied with other means including political, communication and advocacy skills and information. Strengthening networks and confidence-building were considered to capacitate women, persons with disabilities, young people and other identifiable, vulnerable groups to participate in local decision-making processes; and had prospects for anchoring social protection in local governance.

Finally, the roles of assemblies and local actors had to be further clarified in the local-level development interventions and flagship programmes of the current administration. Initiatives such as the one district-one-factory initiative, the Zongo Development Fund, Planting-for-Food-and-Jobs and the Infrastructure for Poverty Eradication Programme (IPEP) could complement social protection efforts but appeared so far to be centrally driven with scope for more local input and interpretation.

**1.3 Commentary on Reforms in Decentralization**

After two decades of the implementation, a review of the assembly system suggested that more had been achieved in the area of political redesign than in administrative re-organization and fiscal decentralization (MLGRD, 2009, Ahwoi, 2010). Arguably, this position still holds almost a decade later.

Indications from stakeholders were that the most visible results related to the creation of assemblies and increasing appreciation of their role in facilitating local governance and development. However, effectiveness – decentralized delivery of efficient, equitable and accountable services – had not been satisfactorily achieved. Some strides had been made in administrative decentralization by the creation of the Local Government Service (LGS), the passage of relevant legal instruments such as LI 1961 or Departments of District Assemblies Commencement Instrument (2009) and the Local Governance Act, Act 936. However, local level development had been hampered by slow progress in the integration of district level departments, resource mobilization and management; and the availability and capacity of public officers. Fiscal decentralization appeared to have lagged behind the furthest with considerable control still vested in central level institutions.

Varied efforts in and mechanisms for performance management were in place; however, a holistic picture with the coordinated involvement of all levels of stakeholders (government, NGOs and civil society) was yet to be achieved. Two key instruments have been the Functional Organizational Assessment Tool (FOAT) and the District League Table (DLT). These instruments provide annual assessments of compliance and sector results, respectively. However, they are both limited in their coverage and do not adequately reflect the effects on the recipients of assembly services. They could also be considered supply-driven though the DLT has been administered through a collaboration between Ghana Centre for Democratic Development (CDD) and the United Nations Children’s Fund (UNICEF) and facilitated by the MLGRD and the Office of Head of Local Government Service.

However, the two frameworks have provided a starting point – the FOAT to check compliance with required administrative processes; and the DLT, the ability of assemblies to meet basic standards in their delivery.

Other forms of performance measurement include the performance contract assessment of regional and district coordinating directors and annual reporting systems administered by the Local Government Service (LGS), annual performance reporting by the National Development Planning Commission (NDPC) and sector reviews particularly in the health and education sectors. There are civil society initiatives such as the Afro-Barometer led by CDD. Other actors have undertaken sectoral, regional and periodic assessments however a platform through which various assessments can be coordinated or integrated would also be useful to provide a picture on total performance of assemblies.

A score card to assess how well decentralization and local governance is performing as a reform effort in Ghana may be required to establish (a) **effectiveness** (achieving intended objectives); (b) **efficiency** (productivity, value for money); (c ) **representativeness** – effective presentation of the views of the electorate; (d) **participation** – direct and indirect influence of citizens on public decisions; (e) **enhanced accountability** – citizens understand the public initiatives, are given feedback, know the grievance/complaints channels and have access to information.

**1.4 Emerging Issues for Reflection**

Generally, decentralization and the assembly system appear to have been accepted as viable processes for achieving national development. From national policy provisions and international frameworks such as the SDGs, critical roles are anticipated for local authorities in ensuring local level and ultimately, national level achievement of the country’s goals.

Reforms have been proposed in national development proposals and sector pronouncements[[1]](#footnote-1) including electing chief executives to promote accountability, making district assembly elections partisan and enhancing collaboration with civil society and traditional authorities. However, there does not appear to be a call for the abolition or radical overhaul of the arrangements of the assembly system.

However, the pace of change towards a more devolved system providing efficient and effective service delivery with more meaningful participation by citizens and sustainable deployment of natural resources and processes resulting in more equitable development interventions has been perceived as slow and hampered by vested interests. Even in the aspects of decentralization where visible progress appears to have made concerns persist as indicated in relation to the political and administrative dimensions. As a unitary state, total devolution may have posed a challenge to the process and policy makers at various stages.

Through practice and necessity, national and local NGOs and CSOs have enhanced their advocacy and engagement efforts with duty-bearers (SEND, 2016). There is better understanding of the different requirements of public administration at the national, regional and local levels. Increasingly, there is an understanding a homogenous or fit-all-size approach cannot be adopted towards solutions for local government problems or realities. For instance, attention to environmental management acknowledges the roles of local authorities in the differential challenges to be addressed in securing local livelihoods such as from mining, food security, fisheries, natural resource exploitation and other extractive activities.

The expectations of the international audience have also propelled local authorities along the development trajectory. International development commitments such as the MDGs and the SDGs have had to be localized. There have been other, more direct engagements – whether through international development partners’ reporting requirements; the expectations of multi-national companies and their obligations for corporate social responsibility; or international sister-city/local authority partnerships – local governance in Ghana has not been insulated from globalization.

The decentralization process has also facilitated changes in attitudes and thinking of key stakeholders. At the local level, prospects for partnership between local actors (public, private and civil society) are more evident; and capacities for public communication by NGOs, CSOs, opinion leaders and office-holders have been enhanced. While traditional authorities as custodians of natural resource endowments indicate that clearer roles should be outlined for them in the decentralization process, largely, they have accommodated district political authorities. At the national level, professional bodies are increasingly demonstrating an interest in working with the central government for local level development or directly with assemblies to enhance service delivery.

One potential area of historical investigation is the nuances in the ways in which the assembly system has evolved. The assembly system was the legacy of the various committees and experiences of the 1980s. There were different motivations and expectations of decentralization, economic, political, social and historical (Nugent, 1995; Manor, 1999). The resulting assembly arrangements were refined and included in the Fourth Republican Constitution. Over the past three decades, the decentralization process has advanced incrementally in spite of the position of some observers that its maturation has been sluggish or it has failed.

Has the process developed or unfolded differently under the different political traditions? Did operation under the National Democratic Congress (NDC)-led government or a social democratic tradition for twenty (20) out of the thirty (30) years of the assembly system have any implications for its progress? Similarly, under ten (10) years of New Patriotic Party (NPP) oversight, did the exercise of a liberal democratic philosophy make a difference? Have there been echoes of recentralization?

The vision of inter-governmental relations included a central or national-level government with a supervisory role that would be more facilitating than controlling; and providing policy formulating, monitoring and evaluating functions. A backstopping role was envisaged for the regional level that would also facilitate collaboration amongst local authorities. Local government would have primary responsibility for implementation, delivery of services and accountability to local people. Clearly, the above vision has not been totally realized.

The Public Sector Reform Strategy of 2016 identified challenges to Ghana’s reform efforts as including the lack of continuity[of initiatives], weak coordination, weak linkages of development interventions to national [sector/district] plans and budgets, failure to institutionalize reform outcomes and apathy and resistance to change. These reasons could be applied to decentralization reforms in Ghana.

Ideally, the decentralization process should have resulted in a win-win situation. But has decentralization in Ghana been a mirage for the expectant citizens? Has it been a case of governments giving with the right and taking away with the left? If decentralization were measured by the degree of discretion allowed local authorities over the control over their citizens’ entitlements of national resources, then some government actions over the years have been tantamount to recentralization.

A major reason for the scoping was to propose where civil society could focus. The following section reflects on a potential agenda for civil society study, capacity strengthening, citizens’ engagement, advocacy and collaboration. Nine (9) inter-related thematic areas have been proposed in Box 1 below and form the basis for the discussion that follows.

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| **Box 1: Proposed Agenda for Consideration by Civil Society and Partners**1. Financing Local Level Development and Local Authorities including
	1. Development Funding for Medium-to-Long Term District Level Development
	2. Financing Infrastructural Development
	3. Allocation of the District Assemblies Common Fund
	4. Legislating the distribution of the Common Fund (the National Youth Authority Act)
	5. Financial Management in the Context of the Public Procurement Amendment Act (Act 914) and the Public Financial Management Act (Act 921)
	6. Revenue generation and mobilization
2. Sustaining legislative and policy reform
	1. Operationalizing the provisions of Act 936
	2. Other legislation with implications for devolution
3. Measuring Performance and Accountability
	1. Performance Management Approaches and Frameworks
	2. Social Accountability in Local Governance
	3. Managing Corruption at the Sub-National Level
4. Equitable Development and Social Inclusion in Local Governance and Decentralization
	1. Gender
	2. Delivering social protection at the sub-national level (the Livelihoods Empowerment Against Poverty, School Feeding, Productive Inclusion and other initiatives)
5. Deepening Decentralization including
	1. Creation and resourcing of new districts: deepening decentralization or fragmentation?
	2. Reforming sub-district structures: the 2010 reforms, review of sub-metropolitan council structures and other innovations
	3. Deepening Political Decentralization: the Election of MMDCEs
6. Institutional Retrofitting:
	1. Integrating and Capacitating Decentralized Departments
	2. Devolution of Health and Education Delivery: nuances in resistance and support
7. Building Partnerships for Effective Local Governance
	1. Between Central Government and Local Government
	2. Between MMDAs and the Arms of Government (Parliament and the Judiciary)
	3. Between MMDAs, CSOs and NGOs
	4. Between MMDAs and Private Sector Actors (including Local Economic Development)
8. Building Capacity for Effective Local Governance, Service Delivery and Planning
	1. Capacity Development
	2. Local Level Planning, Innovation and Deployment of Technology
	3. Local Level Management of Sanitation, Waste and the Environment
9. Localization of the SDGs: Local Governments’ Responsibilities
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Some of the issues arising in these selected areas that CSOs and NGOs could consider working in have been discussed in Part Two of this paper. Since the SDGs provide a holistic framework for development, the third part of the paper reflects on localizing the goals and the responsibilities of Ghanaian local governments. The considerations there bring together the key issues raised in the preceding sections.

**PART II: ISSUES ARISING FROM THE PROPOSED AGENDA** **IN LOCAL GOVERNANCE AND DECENTRALIZATION FOR CIVIL SOCIETY AND PARTNERS**

* 1. **Financing Local Level Development and Local Authorities**

Assemblies have extensive development responsibilities and require finances. There have been concerns about the slow pace of fiscal decentralization, given that “finances should follow the functions”. The sources of funding for local authorities particularly for locally generated resources have been identified in local government legislations (first Act 462 and then Act 936). However, on average, assemblies have only been able to raise 30% of their income from their internally-generated efforts. The rest has come from central government transfers and donor sources.

There are provisions for central government transfers including for staff remuneration and operations of assemblies. An important resource is the District Assemblies Common Fund (DACF), which is a constitutional provision for stimulating local level development. The District Development Facility (DDF) is another critical package assemblies have benefited from over the past eight years. It is a pooled fund from donor commitments complemented by government contributions, allocated on the basis of performance and assembly compliance with their obligations. An Urban Development Grant (UDG) funded by the World Bank and designed along the lines of the DDF was also introduced to cater for the extra challenges of the municipalities and metropolitan assemblies. This has been implemented in the context of the Local Government Capacity Support Project (LGCSP). The inability of assemblies to implement more than 30% of medium-term development plans (DMTDP) necessitated additional sources to finance local development aspirations. This requirement and the need to harmonize donor-funded local level initiatives provided the impetus for the DDF.

The DDF which has been allocated in response to the Functional Organizational Assessment Tool (FOAT) comes to an end in 2018. There is a successor programme to the LGCSP, the Secondary Cities Project. The lessons learnt by assemblies from the application of the DDF for the use and management of the DACF and how this has affected the citizenry are areas where CSOs can explore and generate discussion. The prospects of phase-out by development partners have implications for sustainability.

In anticipation of the phase-out of current development assistance arrangements, particularly the Danish International Development Assistance, international partners and the Government of Ghana have explored Sector Wide Approaches (SWAPs). The SWAP is intended to give more prominence to government funding of initiatives, more donor harmonization and integration of this into the government system, including joint development programming arrangements.

In relation to financing infrastructural development, the main sources have been DACF, and donor-supported facilities such as the DDF, UDG and project investments in selected assemblies under sector arrangements (such as for roads, markets, water and sanitation projects). The opportunities assemblies could have through public-private partnerships (PPPs) have been considered. In the Inter-Governmental Fiscal Framework (IGFF) of 2013 and the National Public Private Partnerships Policy (PPP) of 2009, the potential that such arrangements could have been acknowledged. But the current PPP policy is centre-oriented and does not provide sufficiently for local level initiative in stimulating and managing such partnerships or engaging them for sectors other than infrastructure. In practice over the years, assemblies have entered into partnerships for services such as for revenue-collection, waste management and facilities (markets, public toilets) management. (Ofei-Aboagye, 2016)

The CSOs’ undertakings should consider how local governments, their partners and citizenry can sustain funding development beyond short-term undertakings (and beyond the life-times of particular assemblies, or governments). CSOs should be interested in whether the availability of the DDF improved local economic development, harmonized and rationalized donor funding and ensured more equity in allocation of these resources.

Some of these lessons should be explored at the national as well as at the local levels alongside the current discussions about allocating the DACF. Over the years, the government through the Common Fund Administrator’s Office and MLGRD has given guidelines to assemblies for the allocation of DACF.

The Constitution provides for an allocation of not less than 5% of total revenue for development. DACF related matters are addressed in Sections 125 to 136 of Act 936, which replaced provisions in Act 455. In the process leading to the legislative review which birthed Act 936, there was a lot of discussion about Section 9 of Act 455 under which the Minister for Local Government could issue guidelines for the utilization of the Common Fund.

This provision had allowed Ministers to retain or authorize deductions of portions of the Fund for specified purposes or release of the funds as tied grants or directions to assemblies to use the Fund in indicative sectors. The removal of this clause would not only remove this power from the Minister but would have affected such payments as the Constituency Share of the Common Fund (otherwise known as the MPs’ Share of the Common Fund). However, this was not achieved in Act 936 as recent events have shown.

There were public discussions around directive to assemblies in May 2018 about how assemblies should allocate their shares of the DACF, including suggestions that provision be made for some national-level social protection initiatives. There were concerns that the Administrator of the Common Fund had not gone to seek clearance from Parliament for proposed allocations in the directives; which may have mixed up issues.

Act 936 goes into some detail to correct some of the previous debates about what constituted 5% of total revenues in Section 126 (2). Section 125 (3) requires Parliament to approve the formula for distribution. Section 126 (3) says the Minister in the consultation with the Minister of Finance shall determine the categories of expenditure of the approved budgets of assemblies that must be met out of amounts received from the Common Fund.

Therefore, the law (the Constitution and Act 936) requires the Administrator to submit the formula that proposes the sharing or distribution of the Common Fund amongst assemblies to Parliament.

The Administrator may not be required to send guidelines for expenditure by districts or local authorities to Parliament for approval. However, Section 129 under the Functions of the Administrator makes provisions for that officer to administer and distribute the Fund according to the Formula; and Report on how the allocations have been utilized by the Assembly in writing to Parliament[[2]](#footnote-2).

Another feature of arrangements for the DACF in Act 936 Section 135 is the provision that where there is dissatisfaction or complaints, they should be made to the Commission on Human Rights and Administrative Justice (CHRAJ).

The “Meet the Press” presentation made by the Minister for Local Government and Rural Development in May, 2018 indicated that Direct Transfers to MMDAs increased from 35.10% in 2016 to 46.52% in 2017 and then to 53% in 2018. Also, the Ministry had minimized central level procurements for MMDAs from DACF.

Some questions CSOs could be asking include the scope of discretion assemblies have in allocating resources within the centrally-provided guidelines; the extent to which national-level priorities as indicated in the guidelines reflect local level ones; the implications for devolution and meaningful direction of district level development as envisioned by the local stakeholders and indeed, interpretation of “development”; and the scope for stakeholder participation in the application and monitoring of the use of Common Fund resources; the potential for multiplier effects from these resources.

Another area of potential enquiry relates to provisions in some legislation for allocations of portions of the DACF. For instance, Act 939, the National Youth Authority Act of 2016 under Section 17 (b) provides for five per cent of the DACF subject to the formula approved by Parliament to constitute part of the funds of the Authority. How this links to the business of decentralized delivery of youth-related services and the value-addition of this arrangement needs to be studied further.

Under financing local level development, how Acts 914 and 921 affect financial management at the assembly level must be examined, especially in relation to service delivery and how ultimately the citizen is affected.Act 914 of 2016 is the Amended Procurement Act. It changes procurement practice provisions for assemblies including amendments regarding submission of annual reports and Auditor-General Reports of assemblies to them for debate; the establishment of procurement units; and the functions of the entity tender committee of an Assembly (Section 20B, sub-section 3). The law makes provision for tender review committees for assemblies to have the regional tender review committee. However, district offices of sub-vented agencies and government departments that are not decentralized departments have separate entity tender committees (see first Schedule of Act 914).

Schedule 1c indicates the composition of the nine-member entity tender committees as being chaired by the Chief Executive with a membership of the district finance officer/director, a legal person appointed by the assembly, chairpersons of committees of works and finance of the assembly, heads of departments including the user departments, budget officers, coordinating directors and heads of procurement. What this suggests is that, apart from the chairpersons of the committees of the assembly (works and finance), procurement is largely in the hands of the officials of the assembly administration rather than the representatives of the people. However, the regional tender review committee has representation from the private sector particularly nominated by professional bodies such as the Institutes of Engineers, Surveyors, Purchasing and supply and Accountants. While pro and con arguments may be made (such as ensuring professionalism and technical comprehension versus reducing participation of the citizenry in procurement processes), the implications for value-for-money and accountability need to be analysed further. The Third Schedule sets out the thresholds for approvals for entity heads (Chief Executives in this case); entity tender committees; and the regional tender review committees.

The passage of Public Financial Management Act 921 (2016) makes provisions for audit committees, reviews composition and sets out staff obligations for reporting and financial management. Section 89 indicates that the Minister responsible for Local Government shall within nine months after the end of the financial year, submit to the Minister (of Finance) a statement of consolidated audited accounts of each local government authority. It is noted that the Ministry of Finance posts copies of the budgets of each assembly/local government authority on its website.

Revenue generation and mobilization have long been a concern in Ghana’s decentralization process. Given the implications for local economic development and enhancing self-determination of assemblies, capacity building efforts were made throughout the first decade of the assembly. Lessons were learnt regarding assemblies as investors in transport businesses, canopies and other ventures (Ahwoi, 2010). Revenue sources have largely remained those provided for in the law. Successive decentralization policy frameworks and action plans have identified local revenue performance as key priorities including the 2004, 2010 and 2015 National Decentralization Action Plans, the 2010 to 2014 and 2015 to 2019 Decentralization Policy Frameworks and the 2013 Intergovernmental Fiscal Framework (IGFF).

The formula for distributing the DACF has often included performance in local revenue generation as a factor to be rewarded. Assemblies have been required under various programmes (the World Bank funded Urban series of the 1990s up to the mid-2000s), the Local Government Capacity Support Projects) to develop Revenue Generation Improvement Plans. More recently, Act 936, the new Local Governance Act, provides for removing some of the perceived impediments to revenue such as borrowing limits by assemblies. Efforts to improve information to citizens as rate-payers are also encouraged by the law. The Minister (for Local Government and Rural Development) announced at the Meet the Press event on May 8th, 2018, processes to develop a Local Government Financial Management Bill; and actions to increase the proportion of Internally Generated Funds (IGF) of total income of MMDAs from 21% to at least 35%. What Civil Society can interrogate is how best citizens can partner local authorities as rate payers. Another area of potential exploration would be the inability of assemblies to provide services commensurate with the rates, levies and fees that they collect from citizens as facility users, property owners and clients.

**2.2 Sustaining legislative and policy reform and the provisions of Act 936**

Act 936 was an ambitious attempt to address a lot of outstanding concerns relating to decentralization. It sought to combine key provisions affecting decentralization from five (5) laws under one cover. It amends 5 laws: District Assemblies Common Fund Act, 1993 (Act 455), the Local Government Act, 1993 (Act 462) and the National Development Planning (System) Act, 1994 (Act 480). The others are the Local Government Service Act, 2003 (Act 656) and the Internal Audit Agency Act, 2003 (Act 658). Amongst others, it endeavours to correct such shortcomings in Act 462 and provide guidance on some of the perceived “grey areas” of the decentralization experience in Ghana such as the following. The new law

* Elaborates the functions of the Region and its financing; considering that the provisions for the region have been left rather vague in previous legislation and perhaps, the assumptions made that its coordinating, monitoring and backstopping role should be obvious have not been borne out. Therefore, some clarity on its role and relationships vis a vis other institutional players and sources of financing for its activities needed to be outlined and enshrined in legislation/
* Makes clearer provisions for popular participation and communication in governance;
* Creates the Inter-Ministerial Coordinating Committee (IMCC) on Decentralization to facilitate coordination amongst the different sectors so that the notion of local government as a “super-ministry” is not realized and the business of decentralization (as opposed to local government) falls under the direct oversight of the Presidency;
* Establishes the Office of the Head of the Local Government Service and Council of the Local Government Service (LGS) thus providing the robust framework that makes service in the sector comparable to and as attractive and accountable as in other services
* Develops the provisions for the constitution and functioning of Assembly Executive Committees further and seeks to remove the ambiguity that has been experienced;
* Provides further guidelines for the composition and procedures of the Public Relations and Complaints Committee chaired by the Presiding Member in the light of its equivalent importance as the Executive Committee and its potential as an accountability mechanism.

Civil society needs to become familiar with this law and its provisions especially those that relate to accountability and see how best these can be operationalized and taken advantage of. There have been anecdotal criticisms of the law as too detailed and too ambitious. There have been calls for its amendment. Some of the provisions such as those indicated above have potential for achieving participatory and responsive governance and these should be taken advantage of.

**2.3 Measuring Performance and Accountability**

As indicated in the first part of this paper, various performance measures and performance management systems are applied in the local government system. The LGS has responsibility for applying performance management to the human resources in its employ. However, in relation to the performance of the assembly as a body and in relation to its obligations to the citizens, the FOAT has been the main mechanism. Other national level assessments include the Districts League Table (DLT), periodic perception surveys by the National Commission on Civic Education (NCCE), the Afro-barometer and the African Peer Review Mechanism (APRM).

The phase-out of the FOAT and the introduction of the new Performance Based Grant system or the District Performance Assessment Tool (DPAT) require the attention of Civil Society.

The DPAT is closely modeled on the FOAT incorporating the lessons of the performance-based grant system introduced in 2008. The DPAT is intended to integrate the good lessons learned but acknowledge the need to move assemblies into the lower Middle-Income Ghana that is envisaged. The funding component that the DDF provided required a counterpart fund from the Ghana Government. Now the Responsive Factor Grant (RFG) from the DACF replaces the counterpart fund and now serves as a trigger for the release of Development Partners funds under the performance grant system. As under the DDF, there is a Basic Grant and a Performance Grant.

The purpose of the DPAT remains to provide information on MMDA’s compliance with the legal and regulatory framework; identify capacity gaps; and establish a link between performance and capacity building. It is also intended to provide a basis for incentivizing assemblies. The DPAT is also going to be administered annual and assess compliance in four main areas: Planning and Budgeting; Financial Management and Administration; Management and Organization; and Human Resource Management. It is guided by principles including assessment on what assemblies are legally obliged to do and what falls within their direct span of control. The indicators are also expected to acknowledge the legal, political, administrative and fiscal environments in which local authorities operate.

The DPAT like the FOAT has two components: the Minimum Conditions and the Performance Measures. The fulfillment of the Minimum Conditions (MCs) allows an assembly to qualify for the Basic Grant of the DACF-RFG. There are fifteen MCs clustered under the following five (5) themes, namely the functional capacity of assemblies; planning and budgeting; financial management and accounting; public procurement; and plan implementation.

The performance measures determine each assembly’s share of the performance grant of the DACF-RFG. The indicators are clustered under ten (10) sub-themes as follows:

* Management, Coordination, Monitoring and Evaluation
* Functional Capacity in Planning
* Financial Management and Auditing
* Procurement
* Accountability, Transparency, and Participation
* Social Inclusion and Service Delivery
* Environment and Climate Change
* Capacity Building
* Sanitation
* Local Economic Development

The weighting of the scores for the performance measures is indicative of prioritization. Financial management and auditing attracts 30% of the marks. Sanitation is assigned, 11; and procurement, 10. Two measures, environment and climate change; and accountability, transparency and participation have been each allocated a total of 9. Management, coordination, monitoring and evaluation; functional capacity in planning; and social inclusion and service delivery have a weight of 7 each. Capacity building and local economic development have the least score of 5.

The assessment is conducted under the supervision of the MLGRD by consultants recruited through a competitive bidding process. MMDAs are sensitized on the indicators because the exercise depends extensively on documentary evidence as well as on-site assessments. Key persons to be met at the district level include the Chief Executive, the Coordinating Director and the Presiding Member. The process is monitored by the Regional Coordinating Councils (RCCs) and provision is made for a complaints mechanism for assemblies where they disagree with the results. Since the process is also intended to enhance MMDAs’ performance, it is expected that their capacity requirements will be identified particularly logistic, skills and organizational gaps.

The DACF-RFG is allocated in three parts:

1. A basic grant which is allocated to all the assemblies that fulfill all the Minimum Conditions; the basic grant constitutes 40% of the total pool
2. a performance grant give to those assemblies whose performance scores equal or above the national average PM score; the performance grant constitutes 50% of the overall pool and is allocated as an addition to the basic grant;
3. the capacity building grant which takes up the remaining 10% of the pool and is shared equally to all assemblies to address capacity needs identified by the assessment.

Unpacking the basic grant further indicates that

* 40% of the basic grant is shared according to a population factor, that is the proportion of the receiving district’s population vis a vis the total population of MMDAs that fulfilled all the minimum conditions
* The remaining 60% of the basic grant is assigned based on the poverty index of the districts that fulfilled all the minimum conditions.

The capacity building grant also consists of 50% allocated to assemblies to address capacity needs on a demand-driven basis; and the remaining 50% delivered through generic programmes offered by institutions and sponsored by the MLGRD, the Office of Head of Local Government Service (OHLGS) and Office of the District Common Fund Administrator.

Finally, the management of this performance framework includes two entities. The first is a Steering Committee which provides the policy guidance and directives for implementation and approves the DACF-RFG formula as well as the DPAT results. The second is a Technical Working Group which provides technical backstopping to the responsible unit in the MLGRD, the DDF Secretariat. The representation on the fourteen (14)-member Steering Committee is largely institutional. There is one place for civil society, which is currently represented by the Local Governance Network (LOGNET).

As in the FOAT-DDF arrangement, civil society involvement at the local, regional and national levels is minimal. While Presiding Members may be involved at the district level, that does not fully or adequately compensate for citizens’ and clients’ insights into the extent of compliance. Civil society reflections on performance assessment, how it should be organized and what role civil society can play would be important in the local governance call.

Under the commentary on decentralization reforms earlier, this paper made a recommendation for the development of a score card to assess how well decentralization is performing with respect to effectiveness, efficiency, representativeness, participation and enhanced accountability.

A range of efforts have been made to promote social accountability in local governance in the last two decades of the assembly experience. Act 462 anticipated citizens’ participation in local governance, requiring assemblies to engage with interest groups. Assembly members were also expected to be conduits for information-sharing and feedback between the assemblies and the citizenry. The Public Relations and Complaints Committees (PRCC) and Client Services Units of assemblies were to be channels for receiving citizens’ grievances and information requirements. However, the PRCCs which are committees of assemblies (and made of assembly members) remained relatively “underdeveloped” with different interpretations of how they were supposed to be organized. Client Services Units (CSUs) are relatively recent entities required of assembly administrations. Act 936 now provides more elaborate guidelines for the organization and functioning of the PRCC. Civil society must examine these provisions and support citizens to take advantage of these structures for purposes of social accountability.

Between 1993 (the coming into being of Act 462) and 2013 beyond the structures described above, various project interventions sought to foster citizens’ participation and build capacities for tracking the use of public resources. These included interventions to promote participatory budgeting, planning, resource mobilization, fee-fixing processes, performance monitoring and impact evaluation. Other supply side provisions that were available included the conduct of town meetings and citizens’ platforms, juries and public hearings as provided for by Act 480, National Development Planning Systems Act.

During the period, social accountability opportunities and processes were also rolled out from the supply side. These included citizens’ charters in the health sector and annual stakeholder review processes at district, regional and national levels in the health, water and sanitation and education sectors. Others were citizens’ score cards administered by the NDPC and APRM. Social auditing had been initiated by the NCCE; and an innovative social accountability framework developed for the Ghana School Feeding Project (GSFP). Finally efforts have been made by the Ministry of Finance to involve interest groups in budget preparation processes and demystify the budget for citizens.

An important initiative undertaken with the active involvement of the government to enhance the demand side of accountability has been the Social Public Expenditure and Financial Accountability (SPEFA) groups. As part of the Local Government Capacity Support Project (LGCSP) initiated in 2013, the SPEFA groups and fora were established in 46 Metropolitan and Municipal Assemblies (MMAs) through the agency of the Social Accountability Unit (SAU) of the MLGRD. The SPEFA groups were expected to undertake awareness-raising campaigns to inform citizens of opportunities for engagement on local government public financial management (PFM) processes; encourage the use of citizens’ PFM templates; organize quarterly meetings of volunteers to share information including progress on budget issues, investment projects, expenditure tracking, fee-fixing and internally-generated funds. SPEFAs are also expected to organize twice yearly SPEFA town hall meetings as well as zonal annual congresses with DCEs, DCDs, Assembly Members, MPs, Traditional Authorities, citizens and the media would be in attendance. The LGCSP has come to an end in June 2018, but there are indications that a successor project, “The Ghana Secondary Cities Support Project” will sustain some of the initiatives undertaken, including social accountability efforts.

Donor support to citizens’ groups at the sub-national level also enhanced the influence of civil society in the governance of public goods and services delivery. STAR Ghana 1 a pooled donor fund, focused on Basic Education Quality, Health, Democratic Governance, Access to Justice and Oil and Gas. The Local Governance and Decentralization Program (LOGODEP) supported by USAID sought to expand public participation in local governance in 17 Western Region assemblies. That collaboration was to increase internally generated funds, support development planning efforts, and strengthen existing systems. The European Union (EU)’s non-state actors and local authorities in development programme promoted collaboration between NGOs and state actors in regional level engagement in social accountability. The Land, Services and Citizenship Project supported by Cities Alliance was implemented by MLGRD in collaboration with the German Development Organization (GIZ), People’s Dialogue, a CSO working with the urban poor and the Institute of Local Government Studies (ILGS). Finally, the Inclucity Project was implemented in the Accra and Sekondi-Takoradi Metropolitan Assemblies to foster social inclusion and citizens’ ownership of municipal governance processes. It was implemented by Global Communities (formerly CHF) in collaboration with the NDPC, ILGS and MLGRD with a view to mapping and integrating the lessons in planning processes

Recent social accountability efforts by civil society include meetings, information-dissemination and Communities of Learning by entities such as the Social Accountability Platform. Members of the Social Accountability Platform include SEND, CDD, Media Foundation for West Africa (MFWA) and Penplusbytes. These activities have been supported by various donors including OSIWA, UNICEF and as part of ongoing collaborations of the members.

In line with increasing international, rights-based development priorities, NGOs and CSOs also embarked on initiatives that facilitated social accountability often with support from development partners. Examples of these are presented in Box 2 below.

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| **Box 2: Some Initiatives between 1993 and 2013 by NGOs and CSOs to Promote Social Accountability**Conduct of Government Issues Fora with communities led by the Institute of Democratic Governance (IDEG) Afro-barometer Measurement of Local Governance by Ghana Centre for Democratic Development (CDD)The SEND-Ghana led HIPC Watch Project Initiative with brought together local level committees to track use of Highly Indebted Poor Countries (HIPC) resources. The ILO-supported Decent Work Project in Ghana whose sub-national component was implemented in six districts in Central Region and sought to integrate social protection with LED with the active involvement of local entrepreneursThe Government Accountability Improves Trust (GAIT) Project Civic Unions Approach through local level partnerships of various membership associations/interest groups including economic associations, labour councils, professional associations (such as teachers) and faith-based organizations;Under the Business Advocacy Project (BUSAC) the Ghana Journalists Association (GJA) provided media opportunities for information-sharing on services and responsibilities, phone-in, engagement with duty bearersThe Rights and Voice Initiative (RAVI) which was a pooled donor fund with several local NGOs and CSOs aimed at improved accountability and responsiveness of the government towards its citizens through funding for engagement and capacity building support to CSOs |

Some of the lessons learned included that there is enough political space for engagement. Civil society needs to know how to use that opportunity. Civil society is well placed to bring the value-added dimension of ensuring that the process or the “how” of local development programmes empowered citizens as much as the “what” – which mainstream assessments focus on. The charge is often made that civil society and citizens lack the capacity to exact accountability. However, capacity is enhanced by learning through doing.

The lessons learned also identified the priorities for social accountability in local governance for civil society. These include promoting coordination and coherence in civil society work in social accountability. Other priorities are improving processes for measuring change and deepening the use of existing legal and social mechanisms to achieve enhanced accountability and responsiveness. Civil society also needs to create sustainable platforms for learning and sharing and work to build members’ capacities and access to relevant information as well as mobilize their numbers and find ways of extending local lessons to regional and national audiences. All of this requires resources that civil society must organize and sustain.

Civil society efforts at the local level must also be directed fostering collaboration between membership organizations – welfare, social, production and economic associations -, small business associations, faith organizations, young people’s groups, traditional authorities, local level media, FM and community radios and parliamentarians.

Managing corruption at the local level is a critical aspect of social accountability. Efforts to ensure the appropriate use of public resources should include action at the local level. The checks and balances in the public system identified under the performance management sections apply to assemblies and RCCs (including the internal audit provisions in Act 921 and the Auditor-General’s annual audits). Adherence to procurement requirements as set out in Act 914 is assessed through periodic reviews by the Public Procurement Authority, the FOAT (now DPAT) and the Auditor-General’s Reports. Efforts to ensure public ethics including declaration of assets by public office-holders and the enforcement of the Whistleblowers’ Act are some provisions. The National Anti-Corruption Action Plan (NACAP) also provides an agenda that assemblies are required to buy into and be assessed on.

The presence of the Commission on Human Rights and Administrative Justice (CHRAJ) and other structures indicated above are expected to provide avenues for reporting wrong-doing. However, there must be demand-side citizens and civil society inputs as well. The potential for corruption at the local level can include conflicts of interest in implementing projects; lack of transparency in public procurement processes and equity and due process in allocation of resources; and general misuse of public resources at the district level.

Civil society initiatives to manage corruption include the HIPC Watch Initiative fostered by SEND Ghana and the Advocacy and Legal Centre (ALAC) run by Ghana Integrity Initiative (GII) to receive complaints of corruption by victims and witnesses of corruption. Members of the Ghana Anti-Corruption Coalition (GACC) including the CDD and Private Enterprise Foundation have undertaken advocacy and information dissemination at the sub-national level. What is required of civil society includes providing requisite information on relevant national legislation, grievance mechanisms and anti-corruption efforts to local level CSOs, CBOs and citizens; provide information exchange and feedback mechanisms at the district and regional levels; and assistance with knowledge and skills to educate citizens.

**2.4 Equitable Development and Social Inclusion in Local Governance and Decentralization**

Decentralizing governance and public administration as a strategy for promoting equitable development offers some opportunities. Local government is the level nearest the citizen and should offer opportunities for all sections of the population to participate effectively in governance and access basic services that they need. Responsive development takes account of the differential needs of citizens of different ages and at different stages of the life-cycle, male and female, persons with disabilities, socio-economic status, professions and occupations, religious and ethnic orientations or any other factor that could distinguish them from others.

There have been efforts to mainstream gender into decentralized planning and budgeting through the planning guidelines provided by the NDPC. Some assemblies in their collaboration with development partners have had gender mainstreaming capacity building, planning, monitoring and evaluation actions. For instance, districts in the three regions of the North have benefited from Canadian-supported Districts Capacity-Building Project (DISCAP) and District Wide Assistance Project (DWAP) Programmes. Under DISCAP, a District Level Gender Mainstreaming Tool Kit was developed and presented to the Ministry of Women and Children in August, 2007. DWAP which was executed between 2004 and 2012 provided budgetary support to 24 assemblies in northern Ghana for implementation of District Development Plans. As part of the project, there was a component to support MMDAs to integrate gender into development planning processes. Therefore, a manual which covered collecting, analyzing, using and storing and managing disaggregated data, measurement of gender impacts and identification of gender results and monitoring indicators was developed in 2010. Civil society has a role to play in assessing what is available; what is provided in the planning guidelines; and augmenting local level capacity.

Other efforts have been devoted to promoting women’s participation in local politics and governance as assembly members, presiding members and chief executives. Women’s presence in any of these capacities has not exceeded 20% and in the case of elective office, under 10%. Advocacy, public education and capacity building programmes for women candidates have been undertaken by both state and civil society organizations during the period of review. Manuals and materials were developed by CENSUDI (1994), NALAG (2000), Action Aid with the Institute of Local Government Studies (2006), amongst others. Capacity-building and networking meetings for assembly women organized by ABANTU for Development gave birth to the Women’s Manifesto process. Other NGOs and the think-tanks have continued the process as has the Sector Ministry (MOWAC and then MoGCSP) and the National Commission on Civic Education (NCCE).

Since 1998, affirmative action has been used to enhance women’s presence in assemblies as appointed members, though these have largely been on ministerial directives. The Local Governance Act provides some provisions for ensuring women’s representation and participation in some assembly bodies. However, the Affirmative Action Bill which may secure the appointments is still outstanding.

The District Assemblies Common Fund (DACF) has been used to support persons with disabilities with a quota. Over the years, the application of this facility has evolved with guidelines developed with the involvement of the Ghana Federation of the Disability Associations, the National Disability Council and other interest groups. More awareness is growing of the need to monitor its application at the district level and the effective and equitable use by beneficiaries. Civil society has a responsibility to coordinate its monitoring efforts and collate the evidence to support effective policy review and implementation.

Assemblies have a responsibility for the overall development of the communities over which they have jurisdiction including ensuring children’s rights and providing the educational, recreational, health and welfare facilities. The Children’s Act makes provision for the creation of district child panels and their performance has had mixed results. Civil society has a role to make a more definitive assessment and advocate for the attainment of child-friendly local authorities and local governance that pays attention to total child development including early childhood development support. The extent to which the assembly pays attention to child-related concerns such as human trafficking, child labour, inimical socio-cultural practices like female genital mutilation (FGM), child marriages and drug and alcohol abuse is another area of interest for civil society. On the other hand, civil society should be able to assess the effectiveness of the interventions assemblies put in to assist children such as scholarships for brilliant and needy children.

Local level support for youth development and interventions adopted or supported by assemblies must also be assessed by civil society to provide a more holistic view of what local governments have done towards equipping young people. The extent of collaboration between youth organizations and assemblies and related departments is also important in achieving more responsive local governments to young people’s needs. The allocation of a portion of the DACF to support the National Youth Authority (NYA) must be linked to local level capacities to deliver for young people.

There are opportunities for Civil Society to help to script assemblies’ agendas to assist young people. Young people’s entrepreneurial efforts must be supported by way of activities that they can access quickly; targeted interventions that would reduce cost of doing business for them; support for the infrastructure and business overheads that they require; and possibly, quotas in small business support by the assembly. Assemblies must also find mechanisms for linking young people to services, employment and information that they may require and the current technological revolution provides considerable prospects. There are other concerns of young people including educational, health, recreational, social and security issues that assemblies must be assisted to address.

Structured local level social agendas for assemblies should be in place to cater for other vulnerable groups including older persons, socially and economically marginalized groups must be in place. But what are the prospects? These concerns could be linked to the delivery of social protection programmes at the local level and the role that various parties particularly assemblies and district departments play.

In the context of the National Social Protection Policy (2016) which seeks to guarantee relief for sections of the population in response to vulnerability and poverty, seeks to provide a coordinated, inter-sectoral framework, local governance has a role to play. The policy’s objectives included providing effective and efficient social assistance to reduce extreme poverty; promoting productive inclusion and decent work to sustain families and communities at risk; and increasing access to formal social security and social insurance for all Ghanaians. The Policy identifies flagship programmes as a starting point – the Ghana School Feeding Programme; the Livelihoods Empowerment Against Poverty; the exemptions in the National Health Insurance; the Labour Intensive Public Works; and the Capitation Grant and other support for access to education.

In the implementation of these programmes, there has been considerable direction from the Central Government through programme and project implementation teams and coordinators/facilitators operating from the national to the district levels. Assemblies are considered not to have demonstrated sufficient ownership of these programmes, as the evaluations of the LEAP and LIPW (2016) suggest. Reviews for the preparation of the Ghana School Feeding Policy imply insufficient attention by local authorities to the programme.

The introduction of the NHI was to facilitate access to universal healthcare. The scheme was to secure basic healthcare services for Ghanaians through public, mutual and private health insurance schemes. It was intended to ensure equity in health care coverage; enhance access by the poor to health care services; and protect the poor and vulnerable against financial risk through a decentralized system.

The original law, Act 650 of 2003 was amended by Act 852 which had revisions that should be of interest to civil society. For instance, 852 sought to unify the NHIS with district offices (rather than than the provision for “semi-autonomous” district mutual health insurance schemes in Act 650). Therefore, the decentralized system used a de-concentrated apporach rather than devolution as implied by the provisions of Act 650. Act 852 also introduced premium exemptions with persons with mental disorders. Civil society studies into the delivery of the NHIS abound; however, not from the perspective of local governance.

In view of the foregoing, some of the concerns for delivering equitable development and social inclusion in local governance and decentralization include the following:

* The capacity of assemblies as well as civil society actors for gender and disaggregated social and vulnerability analysis at the local level as well as integration of inclusivity in planning and programming
* Local authorities and local level stakeholders owning, managing, delivering and strengthening social protection across the life-cycles of Ghanaians
* Developing local level social agendas for children, older persons, vulnerable groups
* Ensuring the capacities, orientation and consistent delivery by the District Departments of Social Welfare and Community Development/Departments of Social Development
* Building partnerships between local CSOs and with local authorities for social protection and
* Harmonizing the several local level committees that deal with social issues including those for children, youth, LEAP, district implementation committees and with the work of the Assembly Social Services Sub-Committees and the District Planning Coordinating Units (DPCUs).

**2.5 Deepening Decentralization: Creating New Districts, Reforming Sub-District Structures and Electing MMDCEs**

To realize the promise of deepening development through decentralization, the political administrative and fiscal dimensions have been considered. Three (3) areas are proposed for consideration here.

The first is the creation of new districts and whether this practice has deepened decentralization or just fragmented local authorities. Over almost three decades, the number of assemblies has more than doubled – from 110 to 254. Though the population factor can be used to justify the periodic creation of new districts, there is wide perception that this has been done based more on political considerations. There are concerns that new assemblies have not been adequately resourced, even in the provision of the administrative infrastructure required for them to function (Ahwoi, 2017). Even though the existence of new districts would ensure their access to DACF and other resources, there is the need to assess the extent to which creation of assemblies has realized the benefits of decentralization. Civil society organizations must be able to ask what difference has the existence of a new district or separation from an older district made to the citizens of the locality.

The second area of consideration is in enhancing the sub-district structures. The decentralization process is considered incomplete because of the relative inaction of the sub-district structures. Effective unit committees, town, area and zonal councils are required to complete the reach to and input from community levels into local planning, budgeting, implementation and monitoring of development programmes. Efforts to reform the sub-district structures were initiated in 2010 with the passage of legislation. Unit Committee Members were reduced to five (5) elected members to ensure that they could be effectively selected by electoral areas.

From 2015, Sub-Metropolitan District (SMD) Councils were reviewed to have 15-20 members consisting of all elected assembly members; not more than 5 members of Unit Committees serving in rotation for two-year term; and not more than 5 adult residents, the majority of whom are women and appointed by the regional minister in consultation with traditional authorities and other interest groups.

## Urban, Zonal and Town Councils would consist of not less than 10 and not more than 15 members. Not more than 5 persons would be drawn from elected members within the area of authority of the UTAZ; where they are less than five (5), all elected members shall be members of UTAZ council. There would be not more than 10 representatives from Unit Committees within the area of authority elected annually and serving on rotational basis so that every UC would have been represented on the UTAZ Council by the end of the rotation. CSOs need to familiarize themselves with these new provisions to encourage membership, engage these bodies for collaboration for good governance and monitor their efforts.

The election of Chief Executives of Metropolitan, Municipalities and Districts as proposed by the Government has been justified as a way to enhance accountability. By their election, their responsiveness and commitment to communities is expected. In 2017 and 2018, MLGRD has worked with partners to undertake consultations and advocacy towards a referendum in 2019 for a constitutional review to allow the election of MMDCEs. Regional stakeholders have been engaged, with some feedback indicating support for partisan elections. MLGRD has formulated a roadmap to guide the requisite legislative reviews, stakeholder engagements and activities towards the election. Civil society has contributed to the process, with IDEG’s leadership in providing a platform for discussion. A collaborative effort between the GIFS, CODEO and Civic Forum to mobilize CSOs to create the necessary awareness and support for the turn-out for the referendum leading to the desired change.

* 1. **Institutional Retrofitting? Adding Components to Older, Original Systems**

Administrative and institutional reforms undertaken over the period under review appear to have been more incremental than a total overhaul. This paper chooses the word “retrofitting” because it involves efforts to furnish an existing structure with new or modified parts and equipment; or to install new elements in something previously manufactured or constructed.

The integration of local level departments into district administrations posed a challenge in the first decade and a half of the decentralization process. There were concerns about the dual allegiance of civil servants to their parent sectors and agencies, hampering the seamless, integrated and coordinated machinery required for district development. Act 462 indicated the intent of a Local Government Service that would fulfill the constitutional imperative of civil servants at the sub-national level being in the employ of local authorities as far as possible. The passage of Act 656 further elaborated how the Service would function.

After some attempts, LI 1961 or the Local Government (Departments of District Assemblies) Commencement Instrument, 2009 provided a process for integrating and capacitating decentralized departments. The LI set out two (2) schedules of departments for a phased process. The First Schedule Departments were those that could be easily incorporated into assemblies because they were not constrained by their establishing legislations or enactments. Therefore, their conversion was immediate. The Second Schedule Departments were those with legislations that needed to be revoked. On coming into force of the LI the First Schedule Departments were deemed to have come under the administration of the assembly; and composite budgeting initiated.

The first schedule departments are operational to varying degrees of effectiveness. Some such as the Department of Trade and Industry, the Legal Department, the Department of Social Welfare and Community Development and others have challenges. A review of the list of functions indicated for most departments under LI 1961 have not been fully realized arising from problems of logistics, personnel and the need for change management/re-orientation processes.

In relation to the Second Schedule, the most challenging were the District Departments of Health and Education (Education, Youth and Sports). The historical challenges regarding these services have required legal compromises such as being left out of Act 656 and LI 1931. As part of the implementation of the Decentralization Policy 1 and 2, efforts at decentralizing basic education and primary health care have been made; public education undertaken towards the need for decentralization of these basic services; and draft legislation formulated.

International evidence suggests that devolving education management can improve accountability and performance, including teacher management. In devolved arrangements, parents and parents associations play critical roles in managing and financing school projects as well as making inputs into teaching and learning. Local service providers including schools and local governments are held accountable for the results. Again, basic education must be ably managed at the local level to facilitate social protection. The flagship initiatives including the GSFP, Education Capitation Grant and the LEAP programme all require strong education structures at the district level.

Since 1998, Ghana has also attempted to decentralize its basic education system by setting up sub district structures and empowering them to function. These included School Management Committees (SMC), District Education Oversight Committees (DEOC), and District Education Planning Teams (DEPT) among others. These structures have been constrained and lack real empowerment. The passage of Act 506 which provided for the above structures and the reforms contained in the Education Act of 2008 (Act 778) have not been realized.

Initiatives such as the Ghana Education Decentralization Project (GEDP) have had some achievements including preparing the minds of stakeholders in education for change management. The current de-concentrated arrangements do not effectively foster community participation or improve accountability and are not in consonance with the larger decentralization effort.

It would appear that the institutional restructuring and the ensuring changes is a source of concern which has to be managed with clear information-sharing, regular communication and assurances. Civil society must help to promote and achieve the political, bureaucratic and civic will to promote devolution in education. The benefits to the country must be disseminated widely including improved monitoring, community/beneficiary ownership and integration into local level development.

Civil society can also advocate the conditions that will ensure effective delivery including adequate resourcing and predictable, capitation transfers. Extensive capacity building is required for the staff of the District Departments of Education. Role clarification of the sub-district, district and regional structures has to be ensured. Citizens must be capacitated to demand accountability. Given the expectation in LI 1961 that these departments will also engage in public-private partnerships, local private sectors must be brought on board.

However, more progress has been made in integrating education into local government administration than the health sector. However, anecdotal evidence suggests that the vociferous resistance in the health sector is largely at the national level, than at the sub-national level. This is an issue that requires further investigation.

* 1. **Building Partnerships for Effective Local Governance**

Local authorities operate in a socio-economic and cultural environment and within the machinery of government. They are part of a public administration and governance system, whose outputs provide inputs for the other parts of the machinery. It is important that they operate in harmony with elements in the system in order to derive the synergies that are required to sustain and move the national economy and development forward.

This calls for partnerships between assemblies as entities in the larger public administration system as well as with other stakeholders and interest groups in a local system at the district level. Partnerships are required between central and local government; assemblies and CSOs and NGOs; assemblies and the private sector at the national and local levels to foster local economic development; and assemblies and the arms of government, such as Parliament and the Judiciary.

The relationships that local authorities have to manage are both vertical and horizontal; and the relationships between central and local government entities are in the first category.

Legislations, policies and guidelines determine the relationships that should exist between central and local government entities. The Constitution requires that as far as possible the political and financial administration of Ghana should be decentralized. Arising from this, PNDC Law 327 indicates that central government has a policy making role; the regional level is non-policy making but oversees, coordinates, backstops, monitors and evaluates the assemblies in their jurisdictions. Assemblies are required to be the implementing entities.

However, arising from different sectoral interpretations of decentralization, resources and capacities, central government ministries, departments and agencies (MDAs) have implemented programmes directly or exerted considerable control over activities at the district level. Some of this has been discussed in relation to administration above. Civil servants employed at the sub-national level were seen as having dual allegiance to their parent ministries and sectors as well as to the assemblies in which they were operating, depriving districts of committed, sustained service. The establishment of the Local Government Service (LGS) and the efforts to integrate district departments into assembly administrations ensured some progress in these areas.

However, qualitative interventions and changes in orientation are required beyond legislation. There must be sustained change management initiatives for the players to see assemblies as the coordinating machinery to deliver local level development. This will help local government civil servants to develop primary loyalty to the assemblies they work in. There must be sustained, bottom-up, internally-initiated, capacity- promotion of assemblies and with its civil society and private sector stakeholder partners to deliver on their shared vision of local development. A total national re-orientation for Ghanaians to perceive assemblies as self-determining and self-sustaining levels of development rather than subordinate entities of central government is also required. Civil society can help to initiate debate and undertake relevant advocacy on this perspective.

It was envisaged from the beginning of the assembly process that they would have to collaborate with local membership associations, economic and social interest groups. Act 462 in Section 10 envisaged such partnerships to promote overall local level development. A lot of the preceding discussions including the sections on social accountability provide an indication of what assemblies and CSOs and NGOs can do together. Assemblies and the private sector at the national and local levels must collaborate to foster local economic development. The local level private sector includes the formal as well as informal sector operators and the partnership must be mutually beneficially.

The functions of assemblies require partnerships to undertake effectively. Implementation of development plans includes encouraging other parties to undertake initiatives under the approved development plans. Partnerships with CSOs and NGOs are required to monitor execution of projects under approved plans and evaluate their impact on the people’s development and the total district economy.

Local artisans, formal and informal economic actors, food producers, marketers, processors and service providers are expected to pay taxes and contribute to local revenue generation. In turn, they have a right to expect critical services that will facilitate their businesses, including provision of utilities, social infrastructure such as functioning markets and feedback on how their contributions are used. The National Decentralization Policy (2011-2015) defined LED as ‘the process by which local governments, local businesses and other actors join forces and resources to enter into new partnership agreements with each other or other stakeholders to create new jobs and stimulate economic activity in municipalities, towns and villages’. The LED approach seeks to build the economic capacity of a local area to improve its economic status and the quality of life of its residents and citizenry.

The partnerships could encourage the culture of public-private partnerships (PPP) for promoting financing, service and infrastructure delivery. LI 1961which sets out the functions of the district departments clearly expect these entities to promote PPP. For instance, the Education, Youth and Sports Department is expected to advise the district on potential PPP opportunities in the establishment of various educational and youth related facilities; and in youth work and sports infrastructure. In similar vein, there are such functions under the Social Welfare and Community Development Department and collaborative initiatives by Natural Resource and Conservation Department. The Department of Trade and Industry is charged with promoting the formation of associations and cooperative groups.

Civil society must help the nation and assemblies to build on and review the LED policy agenda to create enabling environments for citizens to pursue their economic activities in ways that are accessible and responsive to their circumstances. The emerging discussions around productive inclusion must be raised and continued by civil society.

Productive inclusion would seek to promote people with the productive capacity beyond welfare support. Vulnerable sections of the population would be supported to the stage where they can fend for themselves and ensure their livelihoods. Interventions assemblies would support would recognize the people’s capabilities and work to strengthen these. Local groups, cooperatives, self-help and mutual associations are critical partners in this effort. They can help to identify how opportunities must be created, the potential pathways of support for their members and other less privileged citizens. Young people in particular must be supported in ways that enable them to be creative, take advantage of their energies and technological capacities.

CS partnerships can also foster knowledge in areas like social enterprise to create employment and improve communities; renewable energy and green economy; and the use of technology, particularly mobile telephony for financial inclusion, information provision, access to administrative services and data collection.

Traditional Authorities and Faith Leaders are special elements in CS that MMDAs must forge relationships with. They provide alternative channels of representation for the citizenry and the social capital they offer must be optimized. Recent assessments by the Afro-barometer and other measures suggest that these parties are trusted by the people often over political actors. Because of Ghana’s colonial past and the checkered involvement of Traditional Authorities in local governance, guidelines for managing the relationship at the local level are required (Arthur, 2017). The law makes provision for consultation of traditional authorities in the nomination of appointed assembly members. The precedent has been set for reserving a quota of appointed memberships for traditional councils. The Regional Houses of Chiefs are represented by two members on the Regional Coordinating Council (RCC).

However, there are concerns from Traditional Authorities that they are not adequately consulted or given relevant information on planned interventions or centrally-driven interventions (Arthur, 2017). Draft guidelines were developed by MLGRD “for District Assemblies towards Managing Relations between Local and Traditional Authorities at the District Level” with support from partners in 2012. A review from the perspective of other stakeholders and assemblies was undertaken by SEND Ghana. An assessment of relations and the guidelines available, as well as the organizing relationships with faith institutions at the district level must be prioritized by Civil Society.

Assemblies have executive and legislative functions but not judicial responsibilities. They are expected to facilitate the work of the Judicial Service by providing courthouses and other facilities to ensure the exercise of justice. CHRAJ is also decentralized to a large extent, having offices in several districts. Alternative Dispute Resolution (ADR) is increasingly promoted as an option. Civil society has a responsibility to examine issues of access to justice at the local level. The availability and state of facilities; progress made in ADR and the availability of legal aid are some of the issues that civil society could focus on.

Assemblies are local level legislatures and the role of the Presiding Member is modelled on the Speaker in the national legislature. Assemblies also have legislating functions. Assemblies do have a relationship with Parliament including the provision for Members of Parliament as non-voting members of assemblies. The relationships between MMDAs and Parliament is on three levels –

* As individuals, legislators are representatives of the people at the national and sub-national levels in their advocacy, feedback and representation functions; MPs as non-voting members of assemblies have been debated extensively but found its way back into Act 936.
* As a collective, Parliament has responsibilities for oversight, legislation, bridging, and deliberation. In these roles, Parliament has responsibilities to track the sector-related performance at the district level as well as their activities as entities.
* Parliament provides a bridge between citizens and the Executive, undertakes advocacy and ensures and exacts performance on behalf of citizens who live within assemblies. Therefore, the interpretation and understanding of national policies and programmes would also be of interest to Parliament as a House
* Through the various Committees of Parliament. The Committees have responsibilities for following up on policy implementation and application of resources for the desired results. In its legislating role, Parliament engages with MMDAs to better understand how laws apply, issues for consideration and review.
	1. **Building Capacity for Effective Local Governance, Service Delivery and Planning**

Capacity development involves investments in human skills, institutional and organizational structures and institutional procedures, systems and practices. Capacity aims to equip beneficiaries (individuals, institutions or districts) to perform their expected functions. Therefore, capacity development is not limited to education, training or skills-building but also logistics, tools and other resources to enable performance.

The decentralization process is itself a capacity development experience as local authorities and stakeholders evolve approaches and strategies to respond to the dynamic socio-economic environment and evolving technology. Local authorities and their stakeholder partners require capacity to be able to take on the functions and responsibilities assigned to them from the central government level. In the Ghanaian experience, local authorities have often been charged with lack of requisite capacity as an excuse for not transferring control of functions and finances to them.

Capacity development is not a single event but an ongoing process and must respond to the context in which it is applied. Capacity development could be initiated from bottom-up, top-down or both. Central level undertakings would provide a minimum set of capabilities that local authorities must have, which would optimize efficient delivery, introduce good practice and disseminate innovate and learning.

At the individual level, capacity-building would involve continuous processes of learning and adaptation to change. At the institutional level, capacity would seek to modernize the administrative, technical and financial machinery with a priority on systems and processes. There must be interventions for policy support, organizational effectiveness and resource management. At the societal level, capacities for responsive and accountable services and partnering for results should be the focus. There are different targets for capacity building: the leadership of the assembly, technical and administrative functionaries, assembly members, service providers and civil society actors and structures within the assembly system.

In recognition of the clear need for capacity development, several efforts have been made with the support of development partners, but a lot of it has focused on training. Between the 1990 and mid-2000, the World Bank supported Urban Programmes, the European Union HRD Programmes and the Dutch-Government -supported Capacity Building for Decentralization in Ghana Programme dominated the efforts. The introduction of the FOAT and the accompanying District Development Facility (DDF) sought to provide reliable funding for capacity development. The DDF Capacity-Development Grant had generic as well as demand-driven dimensions. The generic component consisted of programmes offered by central level agencies, given the expectations of assemblies; the demand dimension allowed assemblies to select programmes and interventions of their particular need.

Civil society partners have also offered programmes and logistic support to assemblies in line with their priorities. There have been implications for sustainability however. There are challenges to enhancing ownership, promoting experiential learning and balancing theory and practice. There is also some cynicism about capacity-building efforts and the time implications: there is too much of it and could prevent participants from getting on with their work.

There is the need to explore how innovative Ghana can be in promoting the requisite capacities:

* What needs to be developed: new knowledge, new content
* Who needs capacity development: of the key players in the decentralization process and the local government environment
* Which approaches will provide value for money: exploring practical processes including internships, coaching, mentoring, peer-to-peer learning, knowledge-sharing and self-directed learning
* How to ensure equity in capacity support opportunities: distribution at the regional/geographical level; between institutions, departments, agencies; amongst different offices and office-holders (planners are considered to be the most regularly targeted)
* How to foster stronger partnerships between civil society, local authority actors and local private sector (small scale operators) to facilitate capacity development: what can we do together? How do we move forward together?

Particular areas of capacity development that Civil Society can help to promote with local authorities include building information mobilization, dissemination and research capacities, and qualitative and quantitative action research for localities. Other areas of emerging priority include local level management of sanitation, waste and the environment; and local level planning and service delivery; innovation and deployment of technology.

Planning arrangements in Ghana under Act 480 require assemblies to develop District Medium Term Development Plans (DMTDP) based on guidelines provided by the NDPC. These guidelines provide consistency in a unitary state and facilitate comparability and harmonization. However, the years, there have been concerns that the guidelines limit strategic planning capacity and constrain the assemblies’ ability to reflect their true priorities. In response to the requirements of the law and with increasing awareness of rights-based and participatory approaches, NDPC provided guidelines for conducting public hearings as a way of including citizens in the planning process. Other concerns included the capacity at the district level to develop professional plans and the involvement of external facilitators in the processes.

The guidelines for preparing the 2018-2021 District Medium Term Development Plans (DMTDP) have been provided by the NDPC (NDPC, 2018). These are based onthe Coordinated Programme of Economic and Social Development Policies (2017-2024) and Medium-Term Development Policy framework (2018-2021) both referred to as “An Agenda for Jobs: Creating Prosperity and Equal Opportunity for All”.

The DMTDPs will guide the preparation of Annual Action Plans and district programme-based budgets. It is a demanding format that may require capacities beyond what is available at the district level and therefore, allows for the involvement of facilitators. The process also requires public participation through public hearings and various committees and forums. The plan outlines data and information needs with indicators to assess the level of achievement, requiring quarterly and annual progress reports. The plan preparation format has set out seventeen (17) steps as follows.

* Step 1 provides the vision, mission, functions and core values.
* Step 2 involves a performance review from various sources including monitoring, evaluation and baseline study reports. **It assesses extent of programme and activity implementation**, income and expenditure, problems, issues and challenges and relevant lessons.
* Step 3 analyses existing situations and district profiling. Contents should include institutional capacity needs, the physical and natural environment, biodiversity, climate change, green economy and environment, water security, natural and man-made disasters, natural resource utilization, population structure, migration, gender analysis and equality, settlement systems including boundaries, infrastructure, existing land-use patterns, culture, governance, security, local economic development, food security, nutrition security, social services (education, health care and incidence of diseases, HIV and AIDs, information and communication technology, poverty, inequality and social protection, science, technology and innovation. The key development issues will be summarised and provide a basis for Step 4, which is the identification of development issues with implications for 2018 and 2021.
* Step 4 will consist of community needs and aspirations, harmonization of community needs and aspirations with the identified key development gaps, problems and issues from the performance review and profiling; and harmonization with the Agenda for Jobs.
* Step 5 addresses prioritization of development issues. There, the analytical tools including the potentials, opportunities, constraints and challenges (POCC) or the strengths, weaknesses, opportunities and threats (SWOT) are applied. Step 5 also requires impact analyses including impacts on linkages, multiplier effects, disaggregated impacts on population groups, natural resource utilization, cultural acceptation, resilience and disaster risk reduction, climate change mitigation and institutional reform. It also accommodates cross-cutting issues including HIV/AIDs, gender equality and nutrition. Another tool required in Step 5 is sustainability of the issues or internal consistency and compatibility.
* Step 6 provides the development projections in relation to the adopted issues to assess whether they are in line with national development objectives, the projected target population of the district and other development standards.
* Steps 7 and 8 present the district development goals and objectives and strategies, respectively.
* Step 9 sets out the review and formulation of development programmes and sub-programmes as used in the programme-based budgeting format and Step 10, Programmes of Action of the MMDAs. Under Step 10, the desired future state of the district should be translated into maps which would indicate priority interventions to be undertaken.
* Step 11 is about the preparation of an indicative financial strategy that identifies the sources of funding, how financial resource gaps will be filled (including district bonds), expenditure areas with costs and financial control mechanisms.
* Step 12 will pull all of these together in District Composite Annual Action Plans (CAAP). These are to be implemented in collaboration with NGOs, private sector and communities. CAAPs are required to be specific, measurable, achievable, relevant and time-bound. There has to be clearly spelt out monitoring, evaluation and communication activities and who will be responsible for them. Complementary plans include structure plans, local plans and community action plans.
* Step 13 requires that the DMTDP is subjected to public consultations towards its finalisation and adoption. Step 13 also indicates harmonization of district plans by the RCC.
* Step 14 elaborates monitoring and evaluation provisions including the arrangements for data collection, collation, analysis and use of results; the attendant matrixes and reporting systems.
* Step 15 is the dissemination and communication strategy including arrangements for distributing the reports, methods of awareness creation and roles and expectations of stakeholders.
* Step 16 is the plan for evaluation, with elaborate requirements, with an evaluation framework or matrix.
* Step 17 provides for participatory monitoring and evaluation where all the key stakeholders are directly involved in the M and E design and implementation process. It seeks to capture perceptions and assess whether interventions have met these expectations, especially of the poor and the vulnerable in society. It proposes such tools as participatory rural appraisals, citizens’ report cards, community score cards and participatory expenditure tracking surveys.

It is critical that Civil Society familiarizes itself with the plan format and processes and positions local civil society to participate in the formulation, implementation, monitoring and evaluation. There is clear expectation of NGOs in Steps 12 and 17. However, NGOs and CSOs must pro-actively seek to engage assemblies, promote innovative considerations and offer collaboration. NGOs and CSOs must also encourage optimization of technology for planning, monitoring and evaluation purposes.

The plan format requires assemblies to address priorities such as management of sanitation and waste. Local level management of sanitation, waste and the environment must go with citizens’ attitudinal change towards environmental sanitation. Inimical actions such as indiscriminate waste disposal, release of effluent and waste into rivers and water bodies persist. Behaviour Change Communication (BCC) efforts and Community-Led Total Sanitation (CLTS) have been adopted. The District League Table (DLT) has assessed district level performance on sanitation. However, evidently, there is still a lot more to be done. The Sanitation Challenge for Ghana supported by DFID and implemented by IMC Worldwide with local consultants was initiated in 2016 where districts apply for and compete for funding for sanitation strategies. Some districts have been declared as Open Defecation Free (ODF) under programmes implemented by NGOs like World Vision in parts of Ghana. This requisite capacity to achieve efficient and effective sanitation and waste management must involve CSOs as well as assemblies and local private sectors.

**2.9 Conclusion to Part Two**

The preceding section raised issues for a nine-point agenda for Civil Society which included financing, sustaining legislative and policy reform, measuring performance and accountability, equitable development and social inclusion, deepening decentralization, institutional retrofitting, building partnerships, capacity development and planning. The next section of the paper discusses the Sustainable Development Goals (SDGs), their localization and the responsibilities of Ghanaian local governments. It brings together some of the key issues raised in the preceding examination under the holistic framework the SDGs provide.

**PART THREE: LOCALIZATION OF THE SDGS AND LOCAL GOVERNMENTS’ RESPONSIBILITIES**

**3.1 Introduction**

The Sustainable Development Goals (SDGs) provide a framework for development that Ghana has signed onto. The MDG experience made it evident that local authorities had to be given a clearer role to promote development from the sub-national level. Local authorities have responsibilities for the overall development of their localities including addressing poverty and vulnerability. The SDGs embody the core business of local authorities and assemblies must be able to foster collaboration and build partnerships with governance stakeholders to deliver them. Assemblies constitute the level of government nearest to the citizen and therefore, bear responsibility for achieving the envisaged standards. Localized SDGs Agendas, sensitive to the local economic, cultural and social influences, are required with commitments to engaging with the range of membership associations, traditional authorities, faith communities, local private sector and development actors that operate in the locality.

In recognition of the need for more national funding of sustainable development, the 2016 Global Taskforce advocated more effective fiscal decentralization and capacity-development for local authorities. Also innovative approaches to working together, information exchange, accountability and ongoing learning have to be fostered. There are seventeen (17) SDGs all of which are essential to the work of local governments. While the National Development Planning Commission (NDPC) provides development planning guidelines that will incorporate the SDGs, assemblies must be able to localize and own the spirit, aspirations and envisaged outcomes of the SDGs. There are opportunities and challenges to localizing SDGs and developing the requisite agendas. These are presented in Box 3 below. A discussion of some expectations regarding the different SDGs is in the following section.

**Box 3: Opportunities and Challenges to Localizing the SDGs**

|  |  |
| --- | --- |
| **Opportunities to be optimized** | **Challenges to be addressed** |
| * Decentralization and creation of districts opening up localities for collaboration, show-casing, investment and public-private partnerships.
* Strong international endorsement of SDGs encouraging the Government to take action and timely reportage on progress on the SDGs
* Availability of international best practices and national experiences to draw on by MMDAs in their quest to work more efficiently and effectively.
* Wide range of national policies, strategies and programmes embodying various aspects of the SDGs with roles for MMDAs
* Improvements in information, communication technology (ICT) resources for knowledge dissemination, data-gathering, advocacy and social accountability
* Prospects of associated capacity development of local institutions, human capital, investments and strengthening of local economies through multiplier effects
* Segmentation of districts, municipalities and metropolises facilitates tracking results of interventions and achievements
* The culture from the MDG experience of collaboration between civil society and local authorities to leverage resources, share responsibilities, innovate approaches, enhance accountability and share lessons and knowledge
 | * The SDGs and national priorities translated into local targets, must be matched with feasible, achievable interventions with local stakeholders
* MMDAs will require critical technical implementation capacity and for generating and analyzing data and resource mobilization;
* While out-sourcing and technical assistance can be a short-term solution, strategic human resource and capacity development must be deployed to build the relevant internal strength
* Reliable information for needs assessment, review, monitoring and evaluation; credible local quantitative and qualitative data, timely, available and disaggregated; requisite human, financial and technical resources to collect and analyze such data.
* Localized financing requires effective fiscal decentralization and capacity development of local authorities: capacities for collaboration and consensus building with local tax/rate payers; mobilizing resources, innovating revenue generation, efficient budgeting, reducing leakage and waste. Developing that capacity would also unlock the economic potential of localities[[3]](#footnote-3).
* Better targeting and linkage of social interventions to ensure multiplier effects from such programmes. Social assistance, cash transfers and school feeding should result in assets formation, creation of employment and value-addition.
* Capacities of MMDAs to raise long-term financing, managing public-private partnerships and corporate social resources
* Mainstreaming LED into district-level planning, monitoring, implementation, coordination and evaluation; and investing in LED related activities; linking internally generated resources (IGRs) with development programmes in the district
* Capacity for assessing lessons learned from local development efforts and factoring this back into future planning and implementation through participatory, multi-stakeholder efforts.
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**3.2 Responsibilities of Localities in Goal Areas**

*Goal 1: End poverty in all its forms everywhere*

Localities must broaden their poverty reduction efforts and provide enabling environments for poorer families and communities by widening their access to basic services and strengthening their income-earning and assets-building capacities. This requires active collaboration between local governments, CSOs and other stakeholders to properly identify and target vulnerable households. Capacities have to be built for formulating and implementing participatory, pro-poor plans and budgets not only for assemblies but decentralized departments, local membership organizations, NGOs, CSOs and private operators.

*Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture*

Beyond responding to national food security and nutrition strategies, innovation must be encouraged at the local level. Improving nutrition is a particular priority and in this regard, the socio-cultural dimensions of food and behaviour change aspects must feature in the local strategies. This requires assemblies and local departments of food and agriculture to partner traditional authorities, land-owners and farmers organizations to develop the requisite strategies for their localities.

The linkages between agricultural production, agri-business, local economic development and private sector involvement in strengthening storage and processing are other areas of focus. Local alliances must initiate their own actions to complement such interventions that the national government’s IPEP and the Development Authorities would provide. Other opportunities for realizing this goal, such as school feeding programmes require urgent apolitical, stakeholder re-strategizing.

*Goal 3: Ensure healthy lives and promote well-being for all at all ages; and Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*

Goals 3 and 4 require local authorities to strengthen their approaches to the provision of primary social services and optimize health and education service delivery and options. To date, assemblies have had responsibilities for ensuring the requisite infrastructure – construction of basic and senior secondary facilities, CHPs compounds, health posts and district hospitals, amongst others. With the passage of the new Education and Health decentralization-oriented legislation where local authorities are required to take more responsibility for governance, they must prepare to work with stakeholders to ensure more holistic approaches to these objectives. Key actors in the locality working together to ensure equitable and effective services, remove constraints to physical, financial and social access through public-private partnerships and generate feedback and accountability are cultures that are required.

*Goal 5:Achieve gender equality and empower all women and girls; Goal 10: Reduce inequality within and among countries [societies]; and Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*

Gender equality must be considered in the context of the larger of inclusion – to secure the livelihoods and well-being of the presently marginalized, vulnerable and under-represented groups, sustainably. This approach ties in with the focus and priorities of Goals 10 and 16.

Progress must be made towards female empowerment and gender equality in all aspects, and the sub-national level provides critical opportunities for goal realization. At the sub-national level, there is more space and opportunity for women’s participation in governance. Addressing political economy issues at the local level, constraining factors involved in their day-to-day living and the cultural and social norms that so much inform gender relations are in the purview of local governance. Any efforts to change values, attitudes and behaviour that reinforce gender patterns and inequalities must start at the local level. The case for empowerment opportunities, particularly, building the confidence of under-represented parties such as women and persons with disabilities, must be made and changes tracked first at the local level.

While the SDGs’ targets and indicators recognize young people’s needs under the various goals, their participation can be considered here. Ghana’s young peoples’ contributions to local and national development can be strategically invested in. However, the present welfarist orientation to youth development (“addressing the youth problem”) cannot bring about structural change.

MMDAs must embrace the concept of “demographic dividends” to research and plan with young people and other stakeholders how to optimize the opportunities for creating better employment, educational opportunities and participation in decision-making in their respective localities.

Towards Goal 5, MMDAs must be prepared to take disaggregated approaches to acknowledge the different and peculiar needs of different sections of the population and within under-served populations, the different categories. Adequate budgetary allocations must be made to achieve sustainable change.

*Goal 6: Ensure availability and sustainable management of water and sanitation for all; and Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all*

The availability and sustainability of water, sanitation and energy indicated by Goals 6 and 7 are traditional, critical local government services. However, something must be done differently by local authorities and stakeholders to achieve the required change. There are opportunities by way of advances in technology, renewable energy options and piloting of water, sanitation and hygiene (WASH) initiatives. However, behaviour change and local accountability must also be strategically up-scaled. MMDAs must not work alone but in partnership with local communities, educational institutions, the private sector, research and technology institutions and other parties to evolve the new locally-responsive approaches and cultures.

*Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*

SDG 8 requires action on supporting productive activities, decent job creation, entrepreneurship, creativity, innovation as well as the formalization of micro-enterprises, and growth of small and medium-sized enterprises. The goal also considers how to empower young people, persons with disabilities, migrant workers and women, protect labour rights and promote safe working environments for all workers.

To promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, local economic development (LED) is critical. LED has been on the national agenda with the formulation of the LED Policy in 2010 and provided for GSGDA I and II. Act 936 elaborates the provisions made in earlier legislation.

MMDAs must bring along the different stakeholders to promote LED and create the enabling environment for nurturing local enterprises. This includes infrastructure and support services provision, financial, equipment and other resources. MMDAs also have the mandate and the social resources to link up with government regulatory bodies, the formal private sector, regional authorities and other parties to foster the requisite assistance for smaller and informal sector operators. Informal operators lack the clout, information and the know-how to pursue some critical opportunities.

*Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable; and*

*Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation*

In recognition of the urbanization trends of Ghana, Goal 11 is essential. The rapid growth of cities has been viewed largely through negative lenses, focusing on the prospects of slums, pressure on infrastructure and the upsurge of crime. However, there are opportunities to be derived from safe, health, resilient and sustainable cities as the Habitat III Agenda indicates. Safe, resilient, sustainable human settlements are traditional functions of local authorities as part of their spatial planning mandate. Goal 9 requires building of resilient infrastructure which links up to these priorities. Other aspects of Goal 9 relating to sustainable industrialization and innovation are relevant for Goals 7, 8 and other aspirations.

Two (2) key requirements from assemblies, achieving inclusivity and sustainability, is the difference in approach that is required. MMDAs’ collaboration with private sector partners, citizens, land owners, research institutions, professional associations and financial institutions would begin to identify workable technologies, update capacities, mobilize the requisite funding to improve spatial and land-use planning, security and physical access for all sections of the population.

*Goal 12: Ensure sustainable consumption and production patterns; Goal 13: Take urgent action to combat climate change and its impacts; and Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss*

Goals 12, 13 and 15 introduce other issues that local level development of necessity requires. The notions of the green economy, climate change impacts and sustainable management of ecosystems must be understood and adapted by local authorities and local stakeholders to their circumstances. These issues and the challenges they pose, differ from locality to locality, requiring a more nuanced approach, beyond the national response frameworks.

In local level politics and economic activity, issues of promoting green economies, climate change and sustainable ecosystems require choices in which there will be winners and losers – particularly in the short term. Therefore, information, analytical capacity and consensus-building are critical at the local level.

*Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*

Goal 16, which aims at peaceful and inclusive societies, recognizes the potential for conflict at the national and sub-national levels; and the debilitating impacts of conflict on development and scarce financial, human and other resources. This is why the culture for accountability and inclusiveness must be built in local governance and capacities for social accountability built in local communities.

*Goal 17: Strengthen the means of implementation and revitalize the [global] partnership for sustainable development*

Partnership and collaboration runs through the SDGs and from the foregoing discussion on localization. MMDAs with local stakeholders, NGOs, CSOs and communities in their localities must work together to address social, economic, cultural, infrastructural, settlements, sanitation and other challenges.

Private sector entities as investors and employers in localities have a stake in the SDGs. Other contributions include corporate social responsibility (CSR) to assist districts operationalize their competitive resources and niches. Traditional authorities, civil society and non-governmental organizations (CSOs and NGOs) facilitate accountability and information-sharing in extending services to the poor and ensuring equitable and responsive access. Their involvement will foster stronger sensitivity to the marginalized and under-served sections of the population in local level development.

Traditional authorities’ access to and control over land and natural resources are critical for poverty-reduction efforts and broadening economic opportunities. Communities must be in participatory planning, implementation, monitoring and review processes, given that their members constitute the electorate and the clients for public services. Community members are those who pay local rates, taxes and fines as sources of local revenue. Community members provide domestic savings as well as constitute markets for the services that thriving local enterprises would provide. Development partners, including donor organizations, international development agencies and NGOs will be associated with in mobilizing technical support, best practices, financial and other resources for mutually acceptable objectives and undertakings.

**4. CONCLUSION**

This paper has reviewed Ghana’s decentralization experience with the assembly system and the status of local governance. It has raised a range of issues in each sector and possible areas of action, advocacy and engagement by civil society. The first part of the paper provided an overview of the work done in the area, the reforms, achievements and outstanding issues. It concluded with a proposal for a score card to assess reform performance needs to be developed. The second section considered issues in eight (8) inter-related thematic areas namely financing, sustaining legislative and policy reform, measuring performance and accountability, equitable development and social inclusion, deepening decentralization, institutional retrofitting, building partnerships, capacity development and planning. The issues for civil society intervention were identified under each aspect. The third part contextualized the work of local authorities and their partners within the framework of the Sustainable Development Goals (SDGs). The paper concludes with a reflection on the status of the gaps in local governance and decentralization under STAR 1.

The opening section presented challenges in local governance and decentralization identified by the CoL under STAR I in 2014. We take the opportunity to return to these issues. Four years later, the status of the challenges is as presented in Box 4 below. The areas for lessons learning, advocacy and intervention still remain relevant for NGOs and CSOs.

NGOs awareness creation activities, enhanced media reportage and government actions have resulted in some progress. Legislative reform through the passage of 936 provides a useful basis for action that civil society must utilize. Capacity building of all parties, assembly functionaries, CSOs and communities is necessary to equip them to initiate action, take advantage of the changing social, economic and technological environment and be more innovative and responsive. Finally, stronger partnerships between civil society and the other local government stakeholders would increase the prospects for achieving more effective, efficient, equitable and sustainable local level development.

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| **Box 4** |  |
| **Challenges Identified by the CoL (2014)** | **Situation in 2018** |
| * Citizens’ lack of knowledge of the services to which they are entitled and the right channels to seek redress thereby promoting a culture of non-accountability at the local government level;
 | * NGOs’ activities to create awareness amongst citizens; there has been enhanced media reportage of issues; requirements have been outlined for assemblies under Act 936 to consult and disseminate information to citizens
 |
| * Absence of an adequate legal framework and clear-cut guidelines on the role of citizens and CSOs in assembly work
 | * Act 936 has provided some guidelines for engaging citizens and CSOs
 |
| * The need for unambiguous standards in service delivery
 | * The Local Government Service (LGS) has developed service delivery standards. These must be widely disseminated to the public
 |
| * Low commitment on the part of state actors to dialogue with non-state actors
 | * There is increased advocacy and awareness creation on the importance of dialogue by NGOs and NCCE. Initiatives such as the SPEFA groups require state actors to respond to citizens’ enquiries. The new legislation 936 and policy commitments require state actors to engage non-state actors. Ministry of Information has stepped up the practice of town hall meetings
 |
| * Funding gaps in infrastructural development
 | * Efforts have been made to increase local authorities’ capacities in public-private partnership. There are moves to enact a Local Government Finance Law as promised in NPP manifesto
 |
| * Political interference, partisan polarization and fear of victimization
 | * Moves are ongoing by government and CS partners towards electing DCEs on a partisan basis; and eventual move to making local government partisan. This requires a review of the referendum
 |
| * Inimical socio-cultural practices with implications for human rights
 | * There is ongoing public education and advocacy by NGOs and CSOs; there is increased education of state and non-state actors in rights-based development approaches by MoGCSP
 |
| * Lack of resources to track revenue mobilization and expenditure at the assembly level
 | * Increased efforts by government to digitalize financial management including use of GIFMIS. Encouraging citizens groups and non-state actors to undertake monitoring given SPEFA and HIPC Watch initiatives
 |
| * Missed opportunities for technology application arising from inadequate finances to buy user-friendly and accessible software by citizens and capacity gaps.
 | * Efforts by NGOs to encourage citizens to utilize mobile technology opportunities
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The recommendation that a score card to assess how well decentralization and local governance is performing as a reform effort in Ghana can be constructed and regularly disseminated through a civil society effort to provide a commentary on the assembly system’s effectiveness, efficiency, representativeness and capacities for participation and enhanced accountability.

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1. Such as the President’s State of the Nation Address of 2017 and 2018, the Coordinated Programme of Economic and Social Development Policies (2017-2024) and the Meet the Press Statement delivered by the Minister for Local Government and Rural Development in May, 2018. [↑](#footnote-ref-1)
2. It was once explained to the author that the DACF unlike other statutory funds like the Road Fund, GET Fund or Tourism Levy Fund does not have Board, but is expected to be managed by Parliament. [↑](#footnote-ref-2)
3. Global Taskforce 2016 of Local and Regional Governments [↑](#footnote-ref-3)