

THE LOCAL GOVERNMENT SYSTEM IN

GHANA



maximum of two four-year terms. The cabinet, known as the Council of Ministers, is nominated by the president and approved by parliament. In addition, the Council of State is an appointed committee of 25 citizens which advises the president.

The country is divided into 10 administrative units or regions, each headed by a regional minister appointed by the president. The principal units of local government are the district assemblies, of which there are 138. Between the district assemblies and the central government are the regional coordinating councils (RCCs). The RCCs are made up of representatives from each of the district assemblies in the region and from the regional House of Chiefs. The role of these bodies is to coordinate policy implementation amongst the district assemblies.

Local government expenditure contributes 2.6% to GDP.²

2 POLITICAL AND ORGANISATIONAL STRUCTURE OF GHANA

2.1 Position of local government in the state

The current government is committed to promoting good governance, prudent economic management and the welfare of the Ghanaian people, and thus is supporting the implementation of decentralisation.

Since independence successive governments have looked to a vibrant local government system to help the country's development. In 1988 the government of Ghana initiated a comprehensive local government reform and decentralisation programme, intended to transfer functions, powers, means and competences from central government to local government. The policy is intended to create a forum at the local level in which 'a team of development agents, the representatives of the people and other agencies will agree on the development problems of the district or area, their underlying causative factors and decide on the combined actions necessary'.³

The most recent parliamentary and presidential elections were held on 7 December 2004, when the incumbent president and New Patriotic Party (NPP) candidate, John Agyekum Kufuor, won. The NPP, which won a majority of parliamentary

1 INTRODUCTION

The Republic of Ghana is situated in West Africa, about 750km north of the equator on the gulf of Guinea, bounded to the north by Burkina Faso, the west by Côte d'Ivoire and to the east by Togo. It has a population of 22,931,299¹ and a land area of 239,460 sq km.

The Republic of Ghana is a unitary state with a multi-party constitutional democracy. Parliament, situated in the capital Accra, is

unicameral, with 230 directly elected members. Members of parliament are elected by universal suffrage under the first-past-the-post system for four-year terms.

The head of state is the executive president, who appoints the vice-president. The president is directly elected by universal adult suffrage requiring more than 50% of the vote. Where that is not obtained, there is a run-off between the two top candidates within 21 days of the first poll. The president can serve for a

seats, formed the new government with the National Democratic Congress becoming the main opposition party.⁴

The tenets of local government are enshrined in the 1992 Constitution. The key objectives of decentralisation are:

- Democratic participatory governance
- Effective and efficient service delivery
- Rapid socio-economic development.

A number of programmes were envisaged to implement this, including:

- Political decentralisation by establishing RCCs, district assemblies and sub-district structures
- Administrative decentralisation by transferring staff from section ministries to local government
- Fiscal decentralisation
- Decentralised planning by making the district assemblies the planning authorities
- Decentralised management of public-private partnerships.

The Minister for Local Government and Rural Development is responsible for local government, including:

- Local government policy
- Monitoring the effectiveness of local government and the decentralisation process
- Advising government on local government issues
- Promoting and administering local government training institutions
- Acting in an advisory capacity to district assemblies and approving their by-laws.

The supervisory role of the Minister has led to the suspension of district assemblies where financial irregularities were discovered.⁵ However, the power to suspend assemblies is vested in the president.

There are 10 regions headed by regional ministers appointed by the president. These ministers chair the RCCs, which comprise representatives from the district assemblies and traditional authorities in the region. The RCC coordinates and monitors local government policy implementation. The RCCs are an interface between the different spheres of government.

3 LEGAL BASIS FOR LOCAL GOVERNMENT

3.1 Constitutional provisions

Local government is enshrined in the Constitution of the Republic of Ghana 1992⁶ as is 'decentralisation'. Article 35(5d) requires

the state 'to take appropriate measures to ensure decentralisation in administrative and financial machinery of government and to give opportunities to people to participate in decision-making at every level in national life and government'.⁷ The Constitution also establishes the District Assemblies' Common Fund (DACF) and provides that 'not less than 5% of the total revenues of Ghana' are paid into it for use in district assembly capital works.⁸

3.2 Main legislative texts

The main legislative texts pertaining to local government are:

- Civil Service Law 1993 (PNDCL 327)
- Local Government Act 1993 (Act 462)
- National Development Planning (System) Act 1994 (Act 479)
- National Development Planning Commission Act 1994 (Act 480)
- District Assemblies Common Fund Act 1993 (Act 455)
- Local Government Service Act 2003 (Act 656)
- Institute of Local Government Studies Act 2003 (Act 647).

There are also a number of legislative instruments including one which established the 138 district assemblies.

4 LOCAL GOVERNMENT ORGANISATIONAL STRUCTURE

In 1988, the then 65 local authorities were reviewed and reorganised into 110 district assemblies. In 2004, the government further reviewed the number of assemblies and created a further 28 to enhance decentralisation, resulting in the present 138 assemblies.

4.1 Main divisions

The assemblies are the main units of local government. There are three types: metropolitan, municipal and district. The metropolitan assemblies cover urban areas with populations over 250,000. Municipal assemblies are single-town councils with

populations of 95,000 and more. The district assemblies comprise a wider geographical area combining rural areas and small towns.⁹ There are four metropolitan assemblies, 10 municipal assemblies and 124 district assemblies.

The metropolitan structure is four-tiered while the municipal and district assemblies have a three-tiered system (see Figure 1). The lower tiers are called sub-structures. The town/area/zonal councils comprise elected assembly members, representatives of unit committees and people appointed by the government. Similarly the unit committees, the lowest level of the structure, have both elected and appointed members. There are around 16,000 unit committees countrywide. However, though a concerted effort was made to hold elections in 2002, not enough people put themselves forward to stand for election and so some unit committees do not have a full complement of elected members.

Sub-districts do not have any legislative or rating powers, but function on powers delegated by the district assemblies.

Table 1. Size and range of districts by population

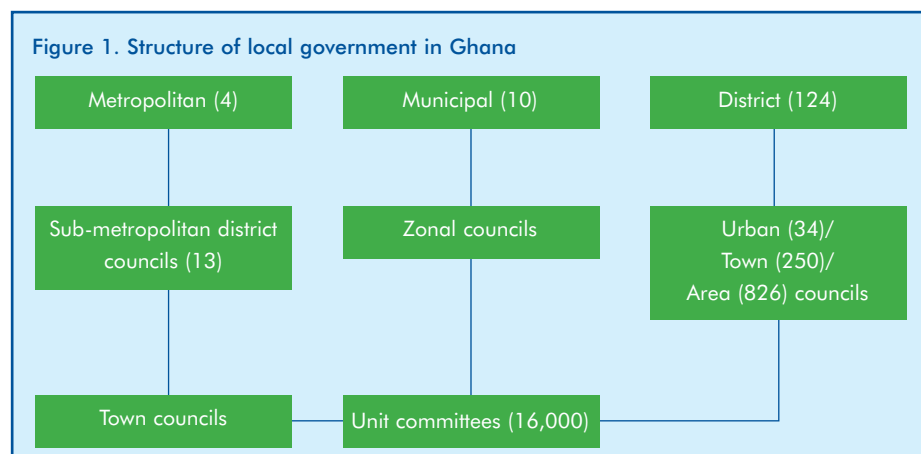
Largest	1,657,856
Smallest	52,849
Average	167,548

4.2 Distribution of local governments and population

Population size varies considerably within each principal unit of local government. Accra Metropolitan Assembly, governing the capital city, is the largest with a population of 1,657,856. Kadjebi District in the Volta Region is the smallest, its population being 52,849.¹⁰

5 DEMOCRATIC AND POLITICAL STRUCTURES IN LOCAL GOVERNMENT

Elections to the district assemblies are conducted by secret ballot using the



first-past-the-post system. By law, individuals must stand without association with any political party.¹¹ To qualify to be elected, individuals must be citizens of Ghana, 18 years old, ordinarily resident in the district and paid up on their taxes and rates.¹² In the district assembly elections held in August 2002 the voter turnout was about 35%.¹³

70% of the assembly members are elected. 30% are appointed, following consultation with interest groups and critical stakeholders in the district. 50% of the appointed members must be women, and another 30% represent traditional authorities.

Assembly members serve a four-year term and can stand for re-election for any number of terms. Local elections cannot be held within six months of national elections. Individual assembly members may be recalled by the electorate, though the procedure is not simple. A petition signed by 25% of the district electorate triggers a referendum on the issue. In order for the referendum to be valid, 40% of the electorate must participate, and a 60% majority of ballots cast must be in favour of the removal of the assembly member in order to make it legally binding. Appointed members may also be removed through a mechanism in which the district assembly makes the case to the president.¹⁴

The intermediate-tier councils and the unit committees in particular are designed to enhance and extend citizens' participation in the democratic process.¹⁵ However, of the 16,000 unit committees which should be in operation, only some 8,000 are.¹⁶

In total, women constitute 11% of the assembly members in Ghana; 3.4% of elected members are women. Half of the 30% of appointed members must now be women; this was increased from one-third to promote affirmative action further.¹⁷ Eight of the 138 district chief executives are women.

5.1 District assemblies

The district, metropolitan and municipal assemblies all have the same internal political structures.

The political – administrative head in each district is the district chief executive (DCE) – similar to an executive mayor. The DCE has a four-year term of office and he or she may not serve for more than two consecutive terms. The DCE is nominated by the president and must receive the approval of two-thirds of the assembly. The DCE has a district coordinating director, similar in role to the town clerk, as head of paid service.

The DCE is responsible for the executive and administrative functions of the district assembly. He or she is also 'the chief representative

of the central government in the district'.¹⁸

The presiding member of the district assembly – the chairperson – is elected by the district assembly and must command a two-thirds majority in order to take office. Members of parliament representing constituencies in each district are non-voting members of the assembly.¹⁹ All elected assembly members represent single-member wards.²⁰

The district assembly is required to meet at least three times each year. It is led by an executive committee comprising not more than one-third of all assembly members, which reports to the main assembly.²¹ The executive committee is elected by the assembly in full session. The presiding member is barred from being a member of the executive committee. The DCE chairs the executive committee.

The executive committee normally has a number of sub-committees that deliberate over issues and make recommendations to the executive committee: development planning, social services, works, justice and security, and finance and administration.²² Except for the presiding member, assembly members must sit on at least one sub-committee.

The assemblies have full discretion to establish further committees as they see fit. They are also empowered to establish committees jointly with one another for any project in which they hold a joint interest. Such joint committees must report to the executive committees of the districts involved.

The DCE is paid out of the national consolidated fund. The remuneration received by assembly members is determined by each district assembly and paid out of its own funds.

5.2 Intermediate-tier councils and unit committees

The sub-structures, that is those other than the district, metropolitan and municipal assemblies (see Figure 1), do not hold any legislative or rating powers. The town/area/zonal councils are composed of five representatives of the district assembly, 10 representatives of unit committees in the area and five persons appointed by the government.²³ They are delegated tasks by the principal units of local government. The intermediate tier councils and unit committees are composed of representatives of the district assemblies.²⁴

5.3 Local government staffing

The Office of the Head of the Civil Service, a central body, recruits local government staff. The local authority, the Ministry of Local Government and Rural Development (MLGRD) and the Office of the Head of the Civil Service have the power to employ, discipline and dismiss various categories of staff. Central government

staff can also be deployed to local government.

The district assemblies are required by law to have a number of officers, namely the district coordinating director (the head of the paid service), a finance officer, a development planning officer, and a local government inspector.

With the enactment of the Local Government Service Act 2003, appointments, promotions and disciplining of local government personnel now come under the Local Government Service Council.

The town/area/zonal councils have a secretary, an accounts officer and a typist. However, many of these councils do not have a full complement of staff.

5.4 Independent scrutiny

The Commission on Human Rights and Administrative Justice provides citizens with redress in cases of maladministration.²⁵ The Auditor General audits the district assembly accounts annually and reports to parliament.²⁶ Each district assembly also has a district public relations and complaints committee.²⁷

6 DISTRIBUTION OF SERVICE DELIVERY COMPETENCE

The districts are responsible for the provision of basic education, although the central government retains control over education policy. Social welfare is a shared responsibility. The districts are responsible for public health, environmental protection and sanitation. Planning is shared with the RCCs.

7 FINANCE

7.1 Revenue

In 2007 the Ghanaian government revalued their currency by a factor of a thousand, and changed the name from the cedi to the Ghana Cedi (GHC). Therefore, for example, what was c10,000 is now GHC10.

The aggregate revenue for local government in 1997 was Cedis 140.375bn.²⁸ Its major sources²⁹ were:

1. Central government transfers, being grants-in-aid and ceded revenue	69%
2. Own taxes	22%
3. User fees and charges	9%

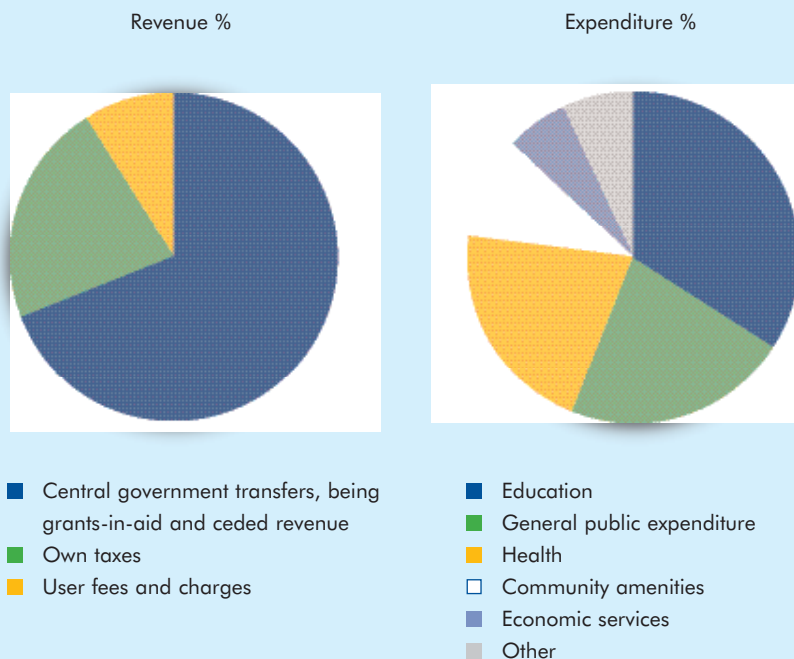
The district assemblies are responsible for the setting and collecting of local rates.³⁰

7.2 Revenue-sharing

Districts receive funds for development projects and programmes from many sources. The main ones are:

- Central government funding

Figure 2. The financial structure of local government in Ghana



- Internally generated revenue
- Funds from development partners
- Funds from the Heavily Indebted Poor Countries' Relief
- The District Assemblies' Common Fund.

The District Assemblies' Common Fund is derived from central government revenues.

The constitution states that not less than 5% of total national revenues must be disbursed to the assemblies. Payment of all staff working in the district currently under the line ministries is drawn from those ministries' budgets.

7.3 Expenditure

The aggregate expenditure of the district assemblies in 1997 was Cedis 135.3bn. Of this, 32.2% was spent on recurrent expenditure and 67.8% on capital expenditure.³¹ A sampling of assemblies' capital expenditure indicates the following distribution:

1. Education	34%
2. General public expenditure	22%
3. Health	21%
4. Community amenities	10%
5. Economic services	6%
6. Other tasks	7%

District assemblies are not permitted to set deficit budgets.

8 ORGANISATIONS OF LOCAL GOVERNMENT

The National Association of Local Authorities Ghana (NALAG) is the sole relevant

association in Ghana. It is voluntary and all district assemblies are members.

9 INTERGOVERNMENTAL RELATIONS

Intergovernmental relations are fully integrated into the policy under which the powers, functions and finance of the sub-national governments are defined.

10 E-GOVERNMENT

E-government is in the early stages of development in Ghana. There is a government website for the sharing of information regarding the districts. In 2005 there were an estimated 401,300 internet users, representing 1.8% of the population.³²

11 ENVISAGED REFORMS

The implementation of decentralisation has been an ongoing reform process. Though it has had considerable success, the general perception is that implementation so far has been partial and has been constrained by a number of factors including conceptual differences on the interpretation of decentralisation, weak inter-sectoral collaboration, inadequate managerial and technical capacity, lack of capacity to monitor and personnel and attitudinal problems.

To promote decentralisation efforts, MLGRD has developed and is implementing a National Decentralisation Action Plan (NDAP) which was endorsed by the cabinet in February 2004. The plan, being implemented from 2003-2005, aims to:

- Strengthen political leadership and

inter-sectoral collaboration

- Enhance policy management, implementation and monitoring
- Consolidate funding
- Strengthen financial and human resource management
- Strengthen functional and governance performance of the district assemblies
- Strengthen sub-district governance
- Promote participation and partnerships.

The NPP government is planning a number of policy reforms to enhance the implementation of the NDAP and deepen decentralisation:

- Mainstreaming decentralisation into the public-sector reform agenda
- Integration of designated ministers, departments and agencies into the district assembly system
- Increased discretionary and performance-based funding to district assemblies
- Increase in the DACF from 5% to 7.5% from 2005
- Improving public-private partnerships in local governance.

12 MISCELLANEOUS

Traditional leaders have two formal inputs into local governance. The first is through the places reserved for appointed members of the assemblies discussed above. The second is through the Regional House of Chiefs which has representatives on the RCC.

13 SUMMARY

Local government is enshrined in the constitution of Ghana. Since 1988, the government has been pursuing a policy of decentralisation and is continuing with this process through major policy reforms. The system is vertically integrated insofar as the regional ministers responsible for coordinating district assemblies' programmes are appointed by the president (to whom they report) and the district chief executive is nominated by the president. Local government finance is substantially supported by the District Assemblies' Common Fund.

The implementation of decentralisation has been slow, but the new government elected in 2004 is fully committed to supporting and implementing decentralisation to strengthen local governments into vibrant institutions for effective service delivery.

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- 27 Local Government Act, section 27
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- 29 'Fiscal Decentralisation and Sub-national Government Finance in Relation to Infrastructure and Service Provision in Ghana', op.cit., p.92
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- 32 'Fiscal Decentralisation...', op.cit., p.92
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Service	Delivering authority			Remarks
	Central government	Regions	Districts	
GENERAL ADMINISTRATION				
Police	●		●	Electoral Commission is responsible for the register
Fire protection			●	
Civil protection				
Criminal justice	●			
Civil justice	●			
Civil status register			●	
Statistical office			●	
Electoral register			●	
EDUCATION				
Pre-school			●	
Primary			●	
Secondary			●	
Vocational and technical	●			
Higher education	●			
Adult education				
SOCIAL WELFARE				
Kindergarten and nursery				
Family welfare services			●	
Welfare homes			●	
Social security	●		●	
PUBLIC HEALTH				
Primary care			●	
Hospitals	●			
Health protection			●	
HOUSING AND TOWN PLANNING				
Housing			●	
Town planning			●	
Regional planning		●		
TRANSPORT				
Roads	●	●	●	
Transport		●	●	
Urban roads				
Urban rail				
Ports	●			
Airports	●			
ENVIRONMENT AND PUBLIC SANITATION				
Water and sanitation			●	
Refuse collection and disposal			●	
Cemeteries and crematoria			●	
Slaughterhouses			●	
Environmental protection	●	●	●	
Consumer protection	●			
CULTURE, LEISURE AND SPORTS				
Theatre and concerts			●	
Museums and libraries	●		●	
Parks and open spaces			●	
Sports and leisure			●	
Religious facilities				
UTILITIES				
Gas services				
District heating				
Electricity	●			
Water supply			●	
ECONOMIC				
Agriculture, forests and fisheries	●		●	
Economic promotion	●	●	●	
Trade and industry	●		●	
Tourism	●		●	

● = discretionary service by the local authority