

EMERGING ISSUES IN DECENTRALIZATION AND LOCAL GOVERNANCE



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FOUNDATION**

The decentralization process through the assembly system initiated in 1988 brought into being local authorities with a range of legally mandated responsibilities and powers. From the initial 110 assemblies in 1988, there are 254 in 2018, three decades later. The process has 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 a more disaggregated and more responsive development. The decentralization process has also encouraged the implementation of a wide range of pilot initiatives by different actors and their partners.

Work undertaken under STAR I on Local Governance and Decentralization, reviewed in 2014, included actions to give more voice and visibility to gender and disability issues in local governance, promote the use of mobile telephony in relation to demands for local government services and enhance reporting through ICT. The interests of CSOs and NGOs in local planning and budgetary processes, the potential to build linkages to augment local capacity and sustainability of various advocacy and capacity interventions were considered. The need to integrate good practices and lessons into national and local medium-term development planning was noted/observed.

As part of the process, a Community of Learning Event conducted in May 2014 identified the following challenges with the decentralization process:

- Citizens' lack of knowledge of the services to which they are entitled and the right channels through which to seek redress promote a culture of non-accountability at the LG level;
- Lack of a legal framework and clear-cut guidelines on the role of citizens and CSOs in assembly work
- Lack of unambiguous standards in service delivery
- Low commitment on the part of state actors to dialogue
- Funding gaps in infrastructural development
- Political interference and polarisation, injurious/detrimental socio-cultural practices and fear of victimization
- Lack of resources to track revenue mobilization and expenditure at the assembly level and
- Unresolved technology application issues, including inadequate finances [of citizens] to buy user-friendly and accessible software applications and inherent capacity gaps in the design and development of software applications.

Common challenges, lessons and policy proposals focused on six (6) main thematic areas

1. Promoting basic service delivery and development management at the local level
2. 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 issues of gender, inclusion, disability and diversity in local governance
5. Sustainable interventions for poverty reduction, local economic development, resource mobilization and utilization at the local level and
6. Deployment of innovative technologies and media for citizen's participation.

As a follow-up to these initial efforts, a focussing on Local Governance and Decentralization has been conducted under the auspices of STAR II. It has been informed by the work undertaken under STAR I, on lessons learned, on STAR's Political Economy Analysis (PEA) Framework and on a 2017 PEA Study (Transforming Public Service Delivery in Ghana).

The scoping

- Undertook a historical analysis of the approaches to local governance and decentralization and gave a commentary on performance to date
- Reviewed political economy analytical tools, including a stakeholder and power analysis; evaluated institutional choices and political settlements and undertook a stakeholder analysis
- Examined the interests and influence of four categories 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) and the extent of realization 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
- Looked at the emerging international agendas 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 current opportunities and challenges
- Raised the issue of current national

priorities such as the New Development Authorities (NDAs), the issue of Zongos and Inner City Development, the one District one Factory Programme, the Infrastructure for a Poverty Eradication Programme and District Industrial Growth

- Distilled some prospects for civil society and Star II action.

Through the use of political economy analytical tools, hitherto under-estimated players in the local environment such as large scale 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 allowed for a more nuanced assessment of power, interests and influences in the decentralization process.

It emerged that the differential spaces, interests, resources and effects of individual stakeholders need to be further unpacked. The roles and motivations of administrators, members of parliament, opinion leaders and public office-holders need to be assessed as separate categories as well as their collective effect as the elite in Ghana's decentralization process acknowledged/appreciated. The levels, interests, spaces, resources and capacities of rights-holders are also needed to be disaggregated for the relevance of the decentralization process and the effectiveness of service delivery by assemblies to be 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/ important at the local level but not at the regional or national levels; and their influence pertinent for effective local level development and local governance.

Also, different actors are interested in different aspects/sectors of local level development but not in decentralization as a whole. For instance, some international development actors were more interested in education or agriculture than in health or infrastructure. These actors need to be taken into account in assessing integrated local development.

The political economy questions were posed to practitioners and stakeholders in local governance. Some of the issues that were explored included the motivations and contexts 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 development partners, sources of political, economic and social fragility and elites in local governance and the decentralization were explored. Accountability, how to propel reforms forward and the roles of civil society were considered.

Some Issues Emanating from the Scoping Review

From the political economy review for this scoping, it emerged that more information emanates from government to the citizenry than from society/the citizenry to local and national authorities. Elections are not adequate as voice mechanisms in local governance since they happen only once in four years. In addition, Assembly members do not provide a robust enough feedback mechanism. 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 has not been consistent or optimized.

Local level service delivery has taken place not only through national and sub-national government structures but also through project teams and inter-sectoral coordinating mechanisms. The efficacy of these and their impacts on sustainable delivery need to be assessed as well.

The common perception has been that local authorities and local government functionaries lack the requisite capacity to deliver development, including logistics and know-how. And wide-ranging efforts have been made by central government entities, development partners, consulting firms, NGOs and CSOs to train assembly staff and actors, often without sufficient opportunities for assemblies to learn through experience or to evolve capacity from bottom-up to be responsive to local conditions or through local level collaboration with citizens' groups, local level associations and through the utilization of local knowledge.

The challenges of operating a non-partisan local government in a partisan national government environment include partisan, political influences on the selection of local representatives (assembly members), polarization in decision-making in the 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 of/over the assembly leadership. Issues of ownership and the sustained implementation of accountability schemes include that several good initiatives do not go beyond the pilot stage and dries up without project funding to support or

upscale them. Are there reasons why they do not gain traction? What are the lessons learned? The power analysis revealed considerable potential for overlaps but also for cooperation between political, economic and social elites. But areas for potential conflict between key actors such as MPs and DCEs and with traditional authorities were also recognised.

Reforms designed to put more resources in the hands of the disadvantaged have the potential to change power relations. However, investments in the marginalized groups have to be beyond material or economic resources and have to be accompanied with other initiative, including political, communication and advocacy skills and with information that will actually change power relations. Strengthening of 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 offer prospects for anchoring social protection in local governance.

The roles of assemblies and local actors generally have to be clarified in the 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 the Poverty Eradication Programme (IPEP) could complement social protection efforts, but appeared so far to be centrally driven, therefore the scope needs to be broadened for more local input and interpretation.

Commentary on Reforms in Decentralization

A review of the assembly system conducted after two decades of implementation, suggests that more has been achieved in the area of political redesign than in administrative re-organization and fiscal decentralization (MLGRD, 2009, Ahwoi, 2010). This position still holds almost a decade later.

Indications from the scoping process are that the most visible achievements related to the creation of the assemblies and their role in facilitating local governance and development needs increasing appreciation. However, effectiveness – decentralized delivery of efficient, equitable and accountable services – have not been satisfactorily achieved. Efficiency also eluded the process – with administrative decentralization hampered by the integration of district level departments, resource mobilization and management; and the lack of available and competent public officers. Fiscal decentralization appears to have lagged behind the furthest with considerable control still vested in central level institutions.

While there have been efforts and mechanisms for performance management, a total picture, with the coordinated involvement of all levels of stakeholders (government, NGOs and civil society) is yet to be achieved. Two key instruments are the Functional Organizational Assessment Tool (FOAT) and the District League Table (DLT) which provide annual assessments. However, they are both supply driven, limited in their coverage and do not adequately reflect the effects on the recipients of assembly services (though the DLT has been constructed by CDD, supported by UNICEF and facilitated by the MLGRD and the Office of Head of Local Government Service). These two frameworks have provided a starting point – the FOAT to check compliance with required administrative processes; and the DLT to enhance the ability of assemblies to meet basic standards in their delivery.

Other forms of performance measurement, including the performance of contract assessment and reporting systems administered by the Local Government Service (LGS) and the Afro-Barometer led by CDD have been instituted. 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.

Emerging Issues

Generally, decentralization and the machinery of the assembly system appear to have been accepted as a viable process. A critical role is anticipated for local authorities in ensuring local level and ultimately national level achievement of a country's goals.

While various reforms have been proposed, including electing chief executives to promote accountability, making district assembly elections partisan as well as giving traditional authorities a more overt role or official control, there does not appear to be a call for the abolition or radical overhaul 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 have been perceived as slow and hampered by vested interests. Even in the aspects of decentralization where visible progress appears to have been made and deemed relatively successful (such as in political decentralization and in fostering administrative capacity), concerns persist. As Ghana is a unitary state, total devolution may have posed a challenge to both the process and the 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. There is better understanding of the different requirements of public administration at the national, regional and local levels might have been achieved. Increasingly, there is an understanding that a homogenous or fit-all-sizes approach cannot be adopted as a solutions for local government problems or realities. For instance, attention to environmental management acknowledges the roles of local authorities in the different challenges to be addressed in securing local livelihoods such as from mining, natural resource exploitation and other extractive activities, from food production, from fisheries, and from skilled workers.

The expectations of the international audience/participants 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 to prove that 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, they have largely 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 which was 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 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. If decentralization were measured by the degree of discretion allowed local authorities over the control over their citizens' entitlements of national resources, then some governmental actions over the years have been tantamount to recentralization.

The Public Sector Reform Strategy of 2016 identified challenges to Ghana's reform efforts as having included the lack of continuity, 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 are applicable 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? Has it been a 'giving with the right and taking away with the left'? Who have been the winners and the losers? Where should Civil Society put its focus?

Emerging Issues

The Dream Agenda or List of Issues for Consideration by Civil Society and Partners

1. Financing Local Level Development and Local Authorities including
 - a. Development Funding for Medium-to-Long Term District Level Development
 - b. Financing Infrastructural Development
 - c. Allocation of the District Assemblies Common Fund
 - d. Legislating the distribution of the Common Fund (Acts 939 and 940)
 - e. Financial Management in the Context of Acts 914 and 921
 - f. Revenue generation and mobilization
2. Sustaining legislative and policy reform and the provisions of Act 936
3. Measuring Performance and Accountability
 - a. Performance Management Approaches and Frameworks
 - b. Social Accountability in Local Governance
 - c. Managing Corruption at the Sub-National Level
4. Localization of the SDGs: Local Governments' Responsibilities
5. Gender and Social Inclusion in Local Governance and Decentralization
6. Creation and resourcing of new districts: deepening decentralization or fragmentation?
7. Reforming sub-district structures: what the effects of the reforms from 2010 have been, if any; effectiveness of the local government sub-structure reforms. Have they made any impact in deepening decentralization?
8. Institutional Retrofitting:
 - a. Integrating and Capacitating Decentralized Departments
 - b. Devolution of Health and Education Delivery: nuances in resistance and support
9. Deepening Political Decentralization: The Election of MMDCEs
10. Building Partnerships for Effective Local Governance
 - a. Between Central Government and Local Government
 - b. Between MMDAs, CSOs and NGOs
 - c. Between MMDAs and Private Sector Actors (including Local Economic Development)
 - d. Between MMDAs and the Arms of Government (Parliament and the Judiciary)
11. Building Capacity for Effective Local Governance, Service Delivery and Development
12. Local Level Management of Sanitation, Waste and the Environment generally
13. Local Level Planning, Innovation and Deployment of Technology

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