

Presentation to the National Workshop of Reflexion and Exchange on Political and Institutional Reforms of the Republic of Togo

Experience of the Ghana Ministry of Local Government in Local Governance and Law Reforms:
Challenges and Lessons for the future

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Introduction

- Mr. Chairman,
- Your Excellencies,
- Members of the Diplomatic Core,
- Your Lordships, both Temporal and Spiritual,
- The High Commission on Reconciliation and National Unity
- Members of the Fourth Estate of the Realm,
- All protocols observed,
- Ladies and Gentlemen,

Introduction

- I am most grateful to the High Commission on Reconciliation and National Unity for the invitation to participate in this all important **“National Workshop of Reflexion and Exchange on Political and Institutional Reforms.”**
- I wish to begin this discussion with two commentaries from important personalities

Two Commentaries

President Obama on Institutional Reforms

- In 2009, on his visit to Ghana, President Obama noted that Africa in general and Ghana in particular needed strong institutions and not strong leaders. How far true this assertion is I will not comment. After all who am I to debate the President of the strongest and richest nation on earth, debatable though the statement looks *prima facie*. But suffice it to say that Togo as a country has heeded that advice and it can only inure to Togo's national interest in the long run, because political and institutional reforms can and should only be geared towards strengthening the capacity of the country to better manage its affairs.

Two Commentaries

Sir Ken Robinson on Reaction to Actions

- On the 9th of August, 2015 on an Al-Jazeera TV programme “Talk to Al-Jazeera” Sir Ken Robinson; a British Author noted that “what happens to you is not as important as what you make of what happens to you.” It is in the light of this statement that I think that whatever the antecedents of this Conference may be, it is clear that we have collectively decided to make something important out from those antecedents for ourselves as a people.

Two Commentaries con't

The two commentaries underline two important issues:

- First, Sir Ken Robinson statement is a reminder for us to use the lessons of our history in order to continue to improve upon our democratization process sweeping through the entire continent of Africa
- Secondly, Obama's statement is also a reminder that one of the key ingredients towards the path of successful democracy and decentralization is through the building of democratic institutions as opposed to strong individuals
- I see this workshop as part of conscious and continuing effort on the part of the Republic of Togo towards improving democracy, decentralization and democratic institutions

My Mandate and format of my presentation

- I was invited to share with this Workshop the **“experience of the Ghana Ministry of Local Government as far as local governance and law reforms are concerned. How did Ghana go about it and what were our main challenges and how did we meet those challenges.”**

In this presentation I will seek to do the following;

- **Establish a link between democracy and decentralization**
- **Outline the key pillars of decentralization**
- **Provide a brief chronicle of Ghana’s experience in local governance and law reforms**
- **Highlight some key challenges Ghana encountered**
- **Draws some lessons on Ghana’s attempt at resolving the identified challenges**

Democracy and Decentralization

- A prominent American *General Wesley Clark* said Democracy has four strands or call them legs, namely;
 - **Good Governance**
 - **Participation by the people or masses**
 - **Tolerance and**
 - **Rule of Law**
- He noted that if democracy does not lead to good governance, then it is not worth the while of any country. However, good governance cannot happen if the people are not involved in the democratic process. If the people will have to participate in the democratic process, then tolerance levels must be very high amongst the stakeholders in order that they accommodate one another and each other. But this tolerance must be within the limits of rule of law and not rule of men. Thus, effectively this brings us back to the point President Obama made to the Ghanaian Parliament that strong institutions and not strong men is the way to go for Africa.

Democracy and decentralization con't.

- Decentralisation, in its simplest understanding refers to the participation by the people in their own governance. Put differently, it is the involvement and participation of the people in the governance system of their country.

Both concepts converge on the principle of **participation**

- It is only by the participation of the people that both democracy and decentralization as well as their institutions and practices can gain legitimacy. Leadership should not only be satisfied that they are on the right track, but that the general populace must think likewise.
- The legitimacy will in return present them as ***good*** and therefore ***good governance*** advocated by ***General Wesley Clark***.

Democracy and decentralization Con't

- Again, from the stand point of governance, the people must agree with processes of governance that have been adopted for their governance with particular reference to institutional reforms.
- Also, for Decentralisation to be meaningful, it must be rooted firmly in multiparty Democracy. Decentralisation is the second strand or leg of democracy, without which democracy conversely will be meaningless to the majority of the citizens but more importantly, democracy will be empty, hollow and devoid of its substance. I will return to the practical approaches to decentralisation later in this presentation.

Key pillars of decentralisation

- Decentralization is not new both as a concept and implementation experience in Ghana
- Since 1988, Ghana has implemented comprehensive decentralization and local government reforms
- Decentralisation in Ghana operates on four (4) legs, namely
 - **Political Decentralisation,**
 - **Administrative Decentralisation,**
 - **Fiscal Decentralisation' and finally**
 - **Economic and Physical Planning**

Key pillars of decentralisation

Political Decentralisation

- This is the head of the whole process of Decentralisation. Decentralisation starts with a political decision to cede off some power that is at the centre to a district or whatever name you give it at the local level to make government better appreciated and to get the involvement and participation of the people in their own governance. In short, Decentralisation is the process of bringing government to the door step of the people. It is based on the principle of subsidiarity, i.e. allowing the local people to manage those activities that are better handled at the local level. It is at this stage that government decides whether it wants to devolve power to the local level, or keep it at the centre, it is at this point that the decision as to how far you want your Decentralisation to go is taken and nomenclatures of the process are given, Districts, Municipalities, Metropolises and what name to call the district heads etc. Political Decentralisation is therefore the driver of the whole process of Decentralisation.

Key pillars of decentralisation

Administrative Decentralisation

- Administrative Decentralisation is the gamut of processes and activities that you take to ensure that the entities you have created at the local level are properly staffed to run them. This is about the skills and capacities of the technocrats or staff of the Metropolitan, Municipal and District Assemblies (MMDAs) and other local government stakeholders to ensure quality service delivery to the MMDAs. If decentralisation is to have a meaningful impact on the development of the country, it must bring about effective and efficient service delivery at the local level. Ghana enacted the **Local Government (Departments of District Assemblies) (Commencement) Instrument, 2009, (L. I. 1961)** to bring all departments in the district under the assembly.

Key pillars of decentralisation

Fiscal Decentralisation

- This is to financially capacitate all levels of governance and provide dedicated Decentralisation funding. Ghana now has a Composite Budgeting System

Economic and Physical Decentralisation

- This is also about the involvement of all people in the planning and budgeting process and their integration with the national agenda to ensure economic growth, employment and income generation at the local level.

Ghana's experience in local governance and law reforms

- Therefore, Ghana approached local governance and law reforms from the perspective of decentralization.
- Personifying these two concepts, local governance is the human being and decentralisation is the blood that runs through his veins.

Local governance and law reforms

- In the 1992 Constitution of Ghana, it is provided therein that it is the mandate of the Electoral Commission to divide the country into constituencies for purposes of elections and this can only be done through Constitutional instruments (C.I.) and nothing else.
- Article 45 states as follows;
- **The Electoral Commission shall have the following functions:**
- **(a) to compile the register of voters and revise it at such periods as may be determined by law;**
- **(b) to demarcate the electoral boundaries for both national and local government elections;**
- **(c) to conduct and supervise all public elections and referenda;**
- **(d) to educate the people on the electoral process and its purpose;**
- **(e) to undertake programmes for the expansion of the registration of voters; and**
- **(f) to perform such other functions as may be prescribed by law.**
- On electoral disputes, you can only come by petition to the court and not by a writ. And whoever violates that provision will be thrown out of the court simplicitor.

How did Ghana Go About Institutional Reforms in Local Governance

- In 1988, the then PNDC government took a bold decision that it was going to pursue Ghana's national development within the framework of Decentralisation. It therefore enacted our first law on Decentralisation which was titled **Local Government Law, 1988, PNDCL 207**. This law increased the districts in the country from 65 to 110. It also introduced the concept of district assemblies, created electoral areas and provided for the election of assembly members to the district assemblies. It created sub-district structures such as sub-metropolitan district councils, urban, area and town councils and unit committees.

Institutional Reforms

- On April 29, 1993, President JJ Rawlings noted in a speech to the First Parliament of the Ghana's Fourth Republic and I quote
- **“We will continue to stress participatory democracy to ensure the responsiveness and accountability of Government to the governed. The district assemblies which were established as the centres of local political authority have since their inception been initiating, co-ordinating, managing and executing policies in all matters affecting their localities. The effectiveness of the district assemblies depends largely on the successful translation into reality of the decentralisation of the machinery of Government.”**

Institutional Reforms Con't

- It was a political decision to decentralise government.” President JJ Rawlings further noted that **“Democracy for the envisioned Ghana must, both in theory and practice, be a government of all the people- weak, strong, rural, urban, rich, poor, literate, illiterate and not the minority for the whole people.”** That is how Ghana did it. It was by political will taken at the apex of the political structure. I think that is what you have also embarked upon today.
- Ghana has since increased the number of districts from 110 to 216 as at today.

What were our main challenges and how did we meet those challenges?

- What type of decentralisation was Ghana embarking upon?
- Which areas to declare as districts and why? Which districts to upgrade to Municipal and Metropolitan Assemblies, etc.?
- Administrative boundaries against Traditional boundaries
- Court challenges
- Election of MMDCEs
- Election of Presiding Members
- What name to give to the District created and who should head it.
- How to get qualified personnel to manage the Districts.
- Aside inter-governmental transfers, how do we fund the Assemblies, and many more other challenges.
- How were we to approach local economic development

Lessons

- Lack of conceptual clarity leading to incoherent implementation
 - At the Regional level, we say it is de-concentration of function from the National to the Regional.
 - At the national level, we say it is the realignment of the national institutions that have been decentralized
 - At the District level we say it is Devolution
 - At the Sub-district level we say it is Delegation
- Proliferation of laws resulting in difficulty in implementation
- Differences in institutional response to the relocation of departments from central state level to the local government system

Ghana & Rwanda

- Now let me do a quick comparison of the Rwandan Decentralisation Process with that of Ghana.
- Policy/Principles
- The Decentralisation policy and principles are the same as Ghana. Rwanda's policy is within the framework of a unitary state and the principle is based on the subsidiarity principle.
- (a) **Deconcentration** is the transfer of functions and resources to lower level units of the same administrative system while authority over decision-making and use of such resources remains with the centre

Ghana & Rwanda cont.

- (b) **Devolution** is the transfer of some powers and authority, functions and resources by legal and constitutional provisions to the lower levels. The transfer is within formal political structures and is institutionalized by constitutional means.
- (c) **Delegation** is the transfer of functions and resources to a subordinate (sub-structures) authority with the capacity to act on the behalf of the superior authority without a formal transfer of authority in the same structure.

Ghana & Rwanda cont.

- **Political decentralization;**
- **Administrative decentralization; and**
- **Fiscal decentralization**
- **Ghana has a 4th Pillar called decentralised planning**
- The policy objectives of Ghana and Rwanda are the same. They include participation, accountability and transparency, local economic development, effectiveness and efficiency, etc.

Conclusion

- Whatever reforms Togo embarks upon eventually, whether national or local, political or institutional, must start with the processes of elections and election related institutions, in this instance the Electoral Commission firmly in focus.
- Once you get the processes of electing people into office right, most stakeholders of the nation feel able and confident to participate in the processes and by that brings all hands on deck for the general good of the country. The processes must provide for dispute resolution in particular for disputed elections whether Presidential, Parliamentary or District Level Elections. This is very important for the survival, sustainability and credibility and integrity of the whole processes and by extension the clean health of the political system.
- Togo may also need to agree on the conceptual meaning of decentralization and the type of local government structure that would be acceptable by all political parties

Thank you

God bless us all