

DECENTRALIZATION IN GHANA

SURVEY ON THE MODEL STANDING ORDERS OF DISTRICT, MUNICIPAL AND METROPOLITAN ASSEMBLIES

Ghana Developing Communities Association (GDCA), Tamale

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The views expressed in this publication are not necessarily those of GDCA.

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ACRONYMS

DCE	-	District Chief Executive
DCD	-	District Coordinating Director
DPCU	-	District Planning Coordinating Unit
DA	-	District Assemblies
DACF	-	District Assembly Common Fund
FOAT	-	Functional Organizational Assessment Tool
IRS	-	Indirect Rule System
MP	-	Member of Parliament
MMMDAs	-	Metropolitan, Municipal and District Assemblies
MLGRD	-	Ministry of Local Government and Rural Development
MSO	-	Model Standing Orders
NA	-	Native Authorities
NDPC	-	National Development Planning Commission
NCD	-	National Commission for Democracy
PMs	-	Presiding Members
PWD	-	People With Disabilities
PNDC	-	Provisional National Defence Council
RPCU	-	Regional Planning Coordinating Unit
RA	-	Research Assistant

EXECUTIVE SUMMARY

The Model Standing Orders are guidelines for the conduct of the business in MMMDAs, Urban, Zonal or Town or Area Councils and Unit Committees. Pursuant to section 18 (6) of the Local Government Act, 1993 (Act 462), they are issued by the Ministry of Local Government and Rural Development to provide a framework to regulate the behaviour, procedures and final actions in the conduct of Assembly business. The entire business of every Assembly is organized into thematic areas for the purposes of clarity and uniqueness in the whole of Ghana. The conduct of business is carried out when the general house meet in the Assembly.

Indeed, the model standing orders are included in the basic laws on local governance that comprises the Local Government Act, 1993 (Act 462); Local Government Service Act, 2003 (Act 656); Local Government Departments of District Assemblies (commencement) Instrument, 2009 (L.I 1961); Financial Administration Act, 2003 (Act 654); Internal Audit Agency Act, 2003 (Act 659); and the National Development Planning (System) Act, 1994(Act 480).

It provides for the various types and meetings conducted by MMDAs including notification of meeting, service of notice, quorum for a meeting, election functions and removal of a presiding member and district chief executives, motions, questions, raising of a point of order, adjournment , rules of debate, minutes and translations of standing orders, among others.

The primary objective of this project is to track the extent of MMDAs compliance with key provisions in the model standing orders regulating the conduct of District Assembly meetings in Ghana. It further seeks to assess the degree of stakeholders' knowledge and awareness on key provision in the Model Standing Orders.

The survey was conducted in 25 districts in Ghana. The report is presented in five chapters. The first chapter provides the introduction to the study. Chapter 2 summarizes the background to the study and also presents an overview of the model standing orders of MMDAs. Chapter 3 provides a brief context on local governance and decentralization in Ghana. Chapter 4 presents an analysis of the data whilst chapter five provides a summary of the findings, recommendations and conclusion.

Summary of findings and recommendations

- a. Awareness on frequency and types of meetings as required by the Model Standing Orders was low among majority of the respondents. A small percentage of the respondents (7%) were aware of “Requested meetings” whilst “Ordinary meetings” was the most widely known among the respondents (30%).
- b. Half of the respondents (50%) interviewed indicated that MMDAs do not adhere to the mandatory period of notice required for summoning Assembly members to Ordinary and Requested meetings of the DA.

- c. The study found out that notice of MMDA meetings were not published in newspapers and local radio stations/FM as required by the MSOs. None of the MMDAs interviewed was found to have published notice of its meeting in the newspapers.
- d. In almost all of the MMDAs, minutes of meetings of MMDAs reach Assembly members when the next summons are being submitted. Out of the respondents who confirmed receiving minutes after attending assembly meetings, most of them (49%) indicated that they received the minutes two (2) months/beyond 8 weeks after Assembly meetings.
- e. A significant majority of respondents (average of 90%) expressed satisfaction with the role of PMs in regulating debates of the Assembly.
- f. From the survey, a large majority of respondents (71%) stated that their MMDAs have not fixed the fee for the public to pay to obtain copies of minutes of meetings of the Assembly contrary to the provisions in the model standing orders.
- g. Contrary to the requirement of the MSOs, none of the MMDAs interviewed had translated the Model Standing Orders into Ghanaian languages.
- h. The survey rated the regularity of issues discussed at DA meetings. Majority of respondents were of the opinion that “PWDs and MP's share of the Common Fund” (6%) were rated the least of the issues debated at assembly meetings.

In view of the above findings, the following recommendations are proposed in the study for the attention of policy makers and civil society.

- a. There is general disregard among MMDAs to fix a fee for the public to pay to obtain copies of minutes of Assembly meetings. We recommend that this provision is strictly enforced by the MLGRD and monitored by civil society. At best, this provision could be expunged in view of the fact that the Parliamentary Hansard is free and not for sale. However, if the idea is to generate revenue this could be done with proceeds from the sale of photocopies.
- b. In view of the significance of the minutes of MMDAs at the local level and to enhance the timely flow of discussions and decisions of Assemblies to the public, the MLGRD should consider placing time limits on preparation and circulation of minutes of assembly meetings to the assembly members.
- c. CSOs, media and the MLGRD should deepen public education and sensitization on the MSO as it places obligations on MMDAs whilst enhancing social accountability.

- d. The MLGRD should make announcement of MMDAs meetings in widely circulated newspapers such as the Daily Graphic and local radio stations/FMs mandatory contrary to the permissive clause in the standing orders so that the public is well informed and are able to track DA meetings at the local level.
- e. Finally, civil society groups and networks such as LOGNET should strengthen partnership with MMDAs to take up the responsibility of monitoring and observing general assembly meetings and reporting on them in collaboration with the media to stimulate public interest and discussion as well as strengthening supply side accountability.

1.0 INTRODUCTION

Ghana embarked on the current decentralisation and Local Governance (LG) reform process since 1988 under PNDC Law 207, which established Metropolitan, Municipal and District Assemblies in Ghana. The process has undergone various reforms. The 1992 Constitution of Ghana further gave a boost to the process, followed by subsequent legislation, the Local Government Act of 1993, Act 462. Accordingly, Ghana's decentralization process seeks to devolve political, administrative and financial authority from the National level to the District Assemblies. However, after more than twenty-five years of implementation of decentralization and local government reforms, the envisaged outcomes have only been partially achieved. Article 34 Section 5 (d) of the 1992 Constitution requires the state to "make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government". Among other things, Chapter 20 of the Constitution identifies the essentials for achieving this objective, including creating opportunities for people to participate effectively in governance to ensure the accountability of local authorities.

By far, one of the important mechanisms for strengthening accountability, transparency and participation in local governance is through the conduct of the general assembly meetings at the local level which are regulated by the Model Standing Orders. These Model Standing Orders provide a framework to regulate the behaviour, procedures and final actions in the conduct of business and debates in Metropolitan, Municipal and District Assemblies (MMDAs) in Ghana. A similar model is the standing orders of Parliament. In this study, we seek to assess citizens' opinions on the degree of enforcement of the model standing orders among local authorities in Ghana with the view of enhancing the decentralization programme and strengthening public interest and participation in District Assembly debates.

Ultimately, this project seeks to promote stakeholder participation and stimulate citizens monitoring, whilst tracking adherence of MMDAs to the Model Standing Orders.

Objectives of the Project

Most importantly, the study sought to achieve the following specific objectives:

- To examine the extent of MMDAs compliance with the requirements in the model standing orders regulating the conduct of District Assembly meetings in Ghana?
- To Assess the degree of stakeholders knowledge and awareness on the Model Standing Orders;

- To provide recommendations to enhance citizens oversight and monitoring of the conduct of district assembly meetings in Ghana.

Research Questions

The study was guided by the following core research questions:

- a. What is the level of awareness and knowledge on the Model Standing Orders of MMDAs?
- b. What is the degree of MMDAs compliance with key provisions in the model standing orders regulating the conduct of District Assembly meetings in Ghana?

Methodology

Sampling Procedure

The study population consist of all the 216 districts in Ghana. Two districts were randomly selected from each region. A total of 20 districts were randomly selected from this process whilst an additional 5 districts were purposively selected from the operational districts of GCDA in northern Ghana. This is because GDCA operates largely in the Northern region. In all, a total of 25 districts were selected for the study representing 11.5% of total districts in Ghana. A total of **375** respondents were interviewed (15 in each districts). Respondents were randomly selected comprising 70% of Assembly members and 30% Heads of Department in each district.

Data Collection

Data collection involved, first, a desk-review of the relevant documentation on decentralization and local governance, particularly the Model Standing Orders. The major sources of information in this respect are the constitution and the enabling Act for Decentralization in Ghana, Act 462, Legislative Instruments, published books and articles, research. This was followed by the design of questionnaires and selection of RAs for the study. The next step involved the training of RAs on the Data collection Instrument and pretesting. RAs were subsequently deployed to the field for three weeks to conduct interviews and collect primary data for the study using close ended and coded questionnaires

Data Analysis

This involved the design of the dataset for the data entry clerks, cleaning of data and use of relevant statistical software to analyze the data. A draft report was reviewed and discussed at several stages by the project steering committee. The draft report was also presented at a validation workshop attended by a wide range of civil society organizations' DCEs, PMs and Assembly Members.

Limitations of the study

The study was unable to evaluate the full provisions in the standing orders but was limited to key provisions that promote social accountability. Secondly, the respondents were limited to departments and Assembly members due to financial constraints.

2.0 BACKGROUND TO THE STUDY

2.1 *Overview of the Model Standing Orders of MMDAs*

The conduct of District Assembly meetings is not an exception to the myriad of accountability and participatory issues undermining the decentralization program in the country. By far, one of the important mechanisms for achieving participation by various stakeholders and interest groups as well as accountability at the District level is the General Assembly meetings. It is the General Assembly where consensus is built and development initiatives and programs are developed to improve the livelihood of individual, community and groups at the local level. Hence, it provides the relevant platform for individuals and groups to raise their concerns and make their voice heard and reflected in local policy planning and design. Therefore the General Assembly of MMDAs is representative of identifiable groups and communities as defined in the local government act. Whilst community representations are achieved through elections, representation of identifiable civil society and interest groups is achieved through the 30% appointment powers of the President in consultation with traditional authorities and other interest groups in the district (Section 5(d) of Act 462).

Standing Orders are described as 'service conditions' or 'service rules' for various employees like Government employees, bank employees, etc. In the same vein, Model standing orders provide service rules and rules of conduct for conducting meetings in MMDAs. They are guidelines for the conduct of the business in MMDAs, Urban, Zonal or Town or Area Councils and Unit Committees. Pursuant to section 18 (6) of the Local Government Act, 1993 (Act 462), they are issued by the Ministry of Local Government and Rural Development to provide a framework to regulate the behaviour, procedures and final actions in the conduct of Assembly business. It is instructive to note that, at the local level, the model standing orders after approval by the Assembly metamorphose into Standing Orders. The conduct of business is carried out when the general house meet in the Assembly.

The Standing Orders provides for the various types and meetings to be conducted by MMDAs including notification of meeting, service of notice, quorum for a meeting, election functions and removal of a Presiding Member and District Chief Executives, motions, questions, raising of a point of order, adjournment , rules of debate, minutes and translations of standing orders, among others. We provide below major provisions in the model standing orders that informed the conduct of the study.

Types of Meetings

There are basically five types of meetings normally conducted in the Assembly. An Assembly shall conduct its meeting comprising of its members and with other partners such as Heads of Department in the district as and when the need arises to deliberate on issues that affect its welfare and to chart the way forward. The 5 basic meetings include:

a. Inaugural Meetings

An Inaugural Meeting is the first meeting of an Assembly following every local level election to inaugurate members of the Assembly. This kind of meeting is held every 4 years after an Assembly successfully completes its tenure and fresh elections conducted. An Inaugural Meeting is the only meeting that must be convened by only the Secretary to the Assembly, thus the District Coordinating Director (DCD), all other meetings must be signed by the Presiding Member (PM). It is during this meeting that the PM is usually elected. After the election of the PM, the Assembly also adopts the Model Standing Orders and approves the language(s) to spoken during Assembly meetings. It is in this meeting that the Inaugural Address is also read by the President's representative in the district on behalf of the President.

b. Ordinary Meetings

Ordinary Meetings are just the normal meetings that Assemblies often hold to debate on issues affecting the district and suggest solutions. Decisions are made through voting. The number of ordinary meetings that an Assembly can hold is inelastic, but must not be less than 3 times in a year. Ordinary meetings require at least 14 days notice to members. With the Ordinary Meetings that must be held at the headquarters of the Assembly, all other meetings can be held anywhere within the administrative region of the Assembly.

c. Requested Meetings

As prescribed by the Standing Orders, a Requested Meeting is usually convened when not less than one-third of the entire membership of the Assembly request for a meeting. Requested Meetings, unlike Ordinary meetings, Requested meetings require at least 7 days notice to the members.

d. Special Meetings

As the name indicates, Special Meetings are convened to consider and approve or otherwise, of annual budgets for the Assembly and the President's Nominee for the position of District Chief Executive (DCE). This is a discretionary meeting because the period of notice that should be given to members before the meeting is left to the discretion of the PM.

e. Emergency Meetings

An Emergency Meeting is a meeting convened to consider issues or matters that need urgent attention and cannot be postponed to form part of the agenda for Ordinary Meetings. Examples

of Emergency Meetings include meetings to discuss a looming disaster or catastrophe, conflict, or other national issues that have been referred to the Assembly.

Notice of Meetings

The Secretary to the Assembly is required to issue summons to each member, stating clearly the date, venue and time for a meeting. Notice of Meetings of the Assembly shall contain the date of the notice, kind of meeting, place of meeting, date, day and time of meeting, Agenda for the meeting. Most importantly, the notice of an assembly meeting is announced or publicized through any medium in the district including the radio and other sources that have wider listenership in the districts. Again, every Assembly shall have the addresses of all members of the Assembly to which Notices of Meetings intended for them shall be sent.

Section 2 (4) of the standing orders also provides that, the notice for the holding of meetings other than the Inaugural meeting may be published by Radio and in at least one newspaper circulating in the district whilst section 7 (4) also provides that the notice of every meeting of the Assembly shall be exhibited at the office or other regular meeting place of the Assembly.

Forming Quorum

The quorum of a meeting of an Assembly shall be one-third of the members. In the event that a meeting of the Assembly is less than a third of the members who are present for over an hour after the scheduled time for commencement of the meeting, the meeting shall be adjourned by the Presiding Member. Except with the approval of at least one-third of the members present, no business shall be transacted at a meeting of an Assembly other than those specified in the notice served hitherto.

Core functions of the Presiding Member (PM)

The PM performs the following core functions, among others:

- Signs and convenes notices of all meetings of the Assembly
- Besides the inaugural meetings, he or she presides over all meetings of the Assembly,
- Ensures that the meetings are properly convened and conducted in accordance with the relevant rules and regulations of the Assembly,
- Ensures that the number of persons present to convene a meeting is observed otherwise, he or she suspends or adjourns a sitting as a result of misconduct with regards to rules and regulations of the Assembly,
- Suspends a member from attending a number of sittings as a result of misconduct with regards to rules of the Assembly,
- Ensures the agenda of the meeting is strictly dealt with in order as stated in the agenda.

Questions

The Model Standing Orders provide that questions asked at the Assembly should be devoid of offensive statement and should not be exaggerated and should be devoid of names of individuals or expressions which will render the questions difficult to understand, they should be free of any issue which is sacred or considered to be sacred, and the questioner must not refer to any matter before a court or tribunal. A question must also be straight to the point and not be directed towards criticising the behaviour or conduct of any person except in his or her position on the matter. The questioner must not be asked about issues referred to a Commission of Enquiry or what was issued in the press.

Rules of Debate

Debates are regulated by the PM. During a debate in the Assembly, no member shall make reference to his or her personal observation on the subject matter. Offensive or insulting words should not be used against any other member. In a situation where a member makes unguarded remarks about another member, he or she shall render an apology to the satisfaction of the Assembly and the member concerned declares the motion for the other member not to be heard. In addition, during Assembly sitting, no member shall engage in any other business such as reading newspapers, books, or any other document except the document directly connects to the agenda of the day. An unreasonable interruption such as speaking while another member is making a point is not to be allowed.

Minutes of Assembly meetings

Section 42 states that the minutes of the proceedings of an Assembly other than minutes of a committee of the Assembly, shall at all reasonable times, be opened for inspection and any person may obtain a copy or extract upon payment of such fee as may be determined by the Assembly.

Translation of Model Standing Orders into Local Languages

MMDAs are further required to translate the provisions of the Standing Orders into the language or languages approved for use in the Assembly under paragraph 1(3) of the Standing Orders.

3.0 GHANA'S DECENTRALIZATION AND LOCAL GOVERNMENT SYSTEM

3.1 Brief Historical Overview of Local Government and Decentralization in Ghana

In discussing the run up to Ghana's Local Government System, it will be prudent to categorize the developmental process into two phases, thus the pre and post independence era.

Pre-independence Local Government era

Governance and for that matter Local Government did not start after independence nor did it start with the arrival and settlement of the Europeans in the Gold Coast. Indeed, communities and societies had their own peculiar ways of governing themselves. Basically, the head of government in the communities was the Chief, supported by his elders.

However, following the settlement of the Europeans in the Gold Coast, leadership and the dynamics of local government changed dramatically with the Chiefs playing more prominent roles to the British Resident Commissioners. Upon the arrival of the British, local government administration centered on the chiefs or some local loyalty, that was basically undefined. This system of local government was referred to as the Indirect Rule System (IRS). The units of local government were called Native Authorities (NAs). The NAs were perceived as non-democratic, because, they were handpicked by the British Commissioners to represent them and support the colonial government to administer law and order.

Post-independence Local Government

Scores of attempts have been made by successive governments in strengthening and consolidating the local government system in Ghana. This reflected in the formation of many commissions that came out with proposals, the enactment of various Acts and the provisions in the various constitutions preceding the 1992 Constitution.

It is instructive to note that, efforts to leverage the benefits of decentralization and local government in Ghana gained strong muscles during the PNDC era. In May 1982, the PNDC formally declared its commitment to decentralization based on the political slogan of "Power to the People". (Ahwoi, 2010). The first "Policy Guidelines" of the PNDC published in May 1982, articulated in the section on Local Government as follows;

- i) " the urgent need for participatory democracy to ensure that the bane of remote government that had afflicted Ghanaians since independence is done away with effectively, to render government truly responsive and accountable to the governed
- ii) the assumption of power by the people cannot be complete unless a truly decentralized government system is introduced that is, the central government in all its ministerial manifestations should empower local government councils to initiate, coordinate, manage and execute policies in all matters affecting them within their localities".

An attempt to operationalize the May 1982 Policy Guidelines, two committees: the Kaku Kyiamah Committee on Restructuring of Ministerial Organizations and the J.A. Kufour Committee on the Decentralization of National Administration were formed. Proposals were submitted by both committees. After discussions and modifications, two other committees were formed to work out comprehensive plans for implementation of the recommendations made by the previous committees. As a result, the George Sackey Committee on the Restructuring of Ministerial Organizations and the Ansa-Asamoah Committee on the implementation of the Decentralization of National Administration were formed. The committees were collapsed into what was known as the Public Administration Restructuring and Decentralization Implementation Committee (PARDIC) after they had submitted their reports.

Again, it is instructive to note that the report of PARDIC did not see the light of the day after going through a bureaucratic maze. This led to the formation of a 27-member group - the "Akuse Group" in 1987. The "Akuse Group" came up with the "blueprint" for the District Assemblies (DAs) as the political structures for decentralization implementation. The "blueprint" was officially titled "District Political Authority and Modalities for District Level Elections", but was immediately dubbed the "Blue Book" by the media on account of the blue color of the cover page. The "Blue Book" proposals were designed to ensure grassroots participatory democracy, establish an accountable DA system, provide for decentralized local government system, achieve equitable and balanced development and form a basis for the creation of the National Level democratic structures.

The Local Government Law of 1988, PNDC Law 207 was the landmark legislation that provided the framework for the District Assemblies and the beginning of a Decentralized Local Government system. This led to the first local level elections to be conducted in 1989. In July 1990, the National Commission for Democracy (NCD) embarked on "Regional Seminars" under the theme "District Assemblies and the Evolving Democratic Process". The outcome of the seminars was compiled into a report- "Evolving a True Democracy". In June 1991, a 9-member Committee of Experts (Constitution) was set up under PNDCL 252, to prepare a draft Constitution for Ghana using as a basis the NCD report on "Evolving a True Democracy" and previous constitutions of Ghana. The policy proposal by the NCD was converted into draft constitutional provisions with elaborate recommendations on decentralization and local government. The Consultative Assembly prepared the Draft 1992 Constitution for the Fourth Republic of Ghana with the whole of chapter 20, Article 240 replete with broad provisions on Decentralization and Local Government. Thus, the Local Government Law, 1988, PNDCL 207 followed by the recommendations of the NCD and the Chapter 20 of 1992 Constitution, crystallized the efforts toward Decentralization and Local Government in Ghana.

To consolidate and give meaning to decentralization in Ghana, a Local Government Act, Act 462 was passed by Parliament to establish and regulate the local government system in accordance with the constitution.

3.2 Legal and Institutional Framework on decentralization and local governance in Ghana

The compelling reasons for the Decentralization and Local Government efforts will be defeated if there are no appropriate regulatory guides in running the Local Government System. Quite clearly, MMDAs operate through human representatives and human nature being what it is, the functionaries of MMDAs need to be extensively regulated in the manner in which Local Governance should be conducted. Given credence to the above, various Acts have been enacted in the spirit of streamlining the operations of MMDAs. The Constitution of Ghana together with other Acts of Parliament such as the Local Government Act, 1993 (Act 462), Local Government Service Act, 2003 (Act 656), National Development Planning (system) Act, 1994, (Act 480), Public Procurement Act, 2003 (Act 663) and the Model Standing Orders for District, Municipal and Metropolitan Assemblies, among others constitute the regulatory thrust for Local Governments in Ghana. Highlights of the regulatory instruments are given below:

The Constitution

The fourth Republican Constitution espouses a decentralized system of government and administration. Article 240(2) of Constitution spells out the features of the system. Basically, Chapter 20 provides that Ghana shall have "... a system of local government and administration which shall, as far as practicable, be decentralized". Article 35(5)(d) requires the state to take appropriate measures to ensure decentralization 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. Besides, Article 241(3) exalts the District Assembly to the position of the highest political authority in the district and clothes it with deliberative, legislative and executive powers. Article 242 delineates the composition of the membership of the District Assembly regarding those appointed by the President and those who are elected through the universal adult suffrage system. Article 244(1) also provides that DAs shall have a Presiding Member who shall be elected by the assembly from among its members for a term of two years. Article 245 delineates the functions of the DAs to include:

1. The formulation and execution of plans, programs and strategies for the effective mobilization of resources necessary for the overall development of the district
2. The levying and collection of taxes, rates, duties and fees.

Local Government Act

Another regulatory framework is the Local Government Act, 1993 (Act 462) which replaced the Local Government Law 1988, PNDCL 207. Act 462 has fourteen (14) Parts replete with elaborate provisions in the conduct of MMDAs. Act 462 is a creation of Parliament done under the authority of Article 240(2)(a) and 240(2)(b) of the constitution. Act 462 establishes and regulate the local government system in accordance with the Constitution. In essence, Act 462

discusses the creation and mode of establishing district assemblies in Ghana. Section 3(3) discusses the authority for coming into being of LI 1589 now LI 1967. Section 5 discusses the composition of the District Assemblies. The functions of District Assemblies are clearly stipulated under section 10. The above sections and sub-sections are contained in part I. Part II of Act 462 provides for the Planning functions of District Assemblies. The Act also gives the latitude to District Assemblies to make Bye-laws (under Part V) as may be necessary or incidental to executing its roles.

District Assemblies Common Fund

To further strengthen the local administration system, the constitution of Ghana provides for the establishment of a fund into which not less than 5% of total national revenue shall be paid - Article 252. In furtherance of this, Act 455 was passed in 1993 to establish the District Assemblies Common Fund (DACF). The DACF is a major source of funding for District Assemblies in Ghana

National Development Planning Systems Act

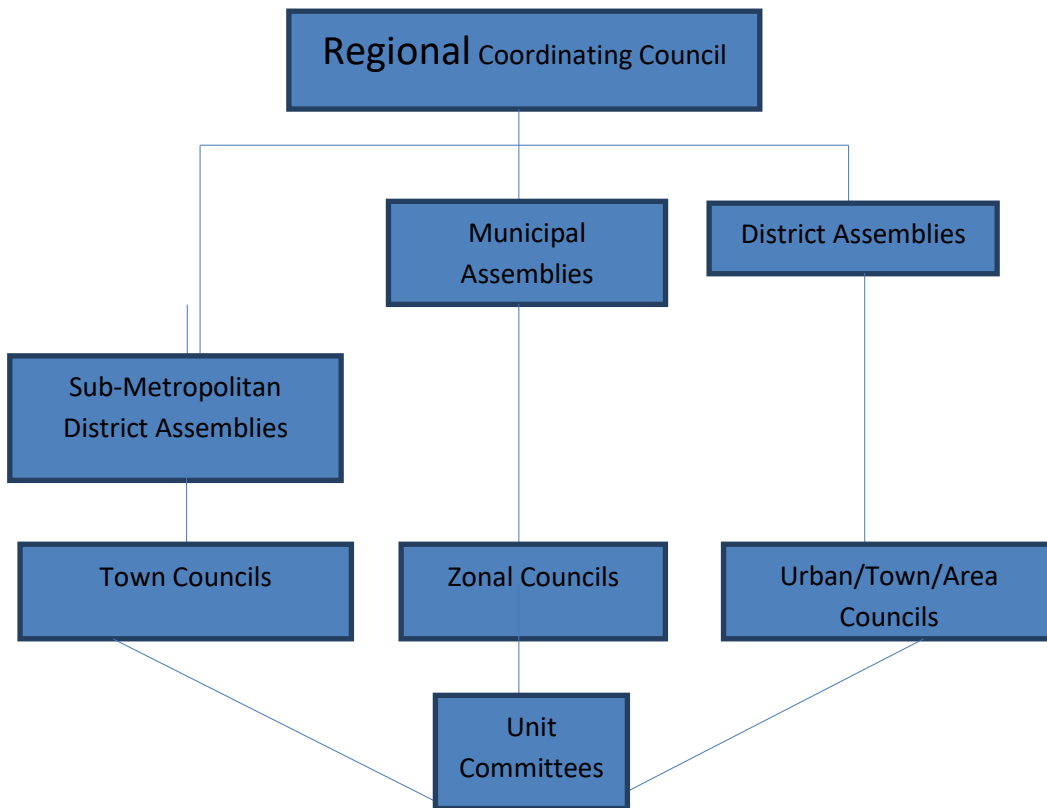
Acts 479 provide the broad framework for decentralised development planning in Ghana and the institutional setting for the National Development Planning Commission which coordinates planning activities at the national, regional and district levels. Act 480 spells out the functions of the Regional Planning Coordinating Units (RPCUs) and District Planning Coordinating Units (DPCUs). In addition to the National Development Planning Systems Act, the Local Government Act, 1993 (Act 462) which provides the legal framework for the MMDAs recognizes each District Assembly as the Planning Authority in the district. Section 46, states, "for the purposes of national development, each District Assembly is by this Act established as the Planning Authority for its area of authority". The Act also makes provision for the establishment and membership of District Planning Coordinating Units (DPCUs). The institutional framework for the preparation and submission of the District plans have been prescribed in the Act; specifically, the MMDAs are mandated to prepare the plans within the framework of the formats prescribed by the National Development Planning Commission (NDPC) and thereafter submit the draft plans to the NDPC through the Regional Coordinating Councils (RCCs).

3.3 Structure and composition of Ghana's Local Government system

Conventionally, Ghana's sub-national governance structures are characterized as a three-tier structure created initially by PNDC Law 207 and subsequently refined by the 1992 Constitution and Local Government Act, 462 of 1993. These structures operate at the regional, district and sub-district levels and consist of Regional Coordinating Councils on the first tier, Metropolitan

or Municipal or District Assemblies on the second tier, and Urban or Town or Zonal or Area Councils in addition to Unit Committees on the third tier. The Unit Committees represent the lowest and basic unit in the subsidiarity chain upon which all the other structures including the Urban or Town or Area Councils are built, thus making the local governance arrangement a four-tier structure instead of the three.

This is illustrated in a diagram below:



4.0 ANALYSIS OF DATA

This section presents analysis of the data collected from staff and Assembly Members from 25 districts selected for the study. The data presents respondents perspectives on key provisions in the model standing orders regulating the conduct of meetings in MMDAs in Ghana. This includes issues such as the degree of respondents' awareness and notice on DA meetings, access to minutes of and assessment of debates of district assemblies, among others.

4.1 Social Demographics of Respondents

Figure 4.1.1 Settlement Distribution of Respondents

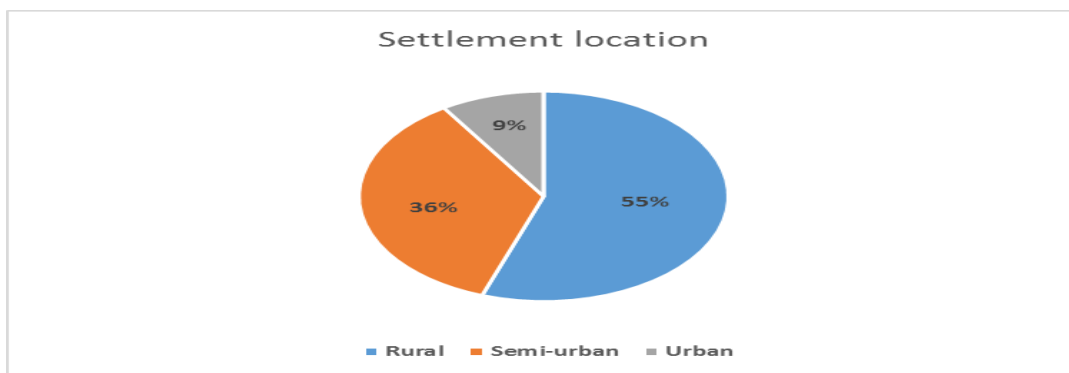


Figure 4.1.1 above shows the settlement distribution of respondents. Out of the total number of districts targeted for the study, 55% were described as rural, 36% as semi-urban and 9% as Urban respectively.

Figure 4.1.2 Gender Distribution of Respondents

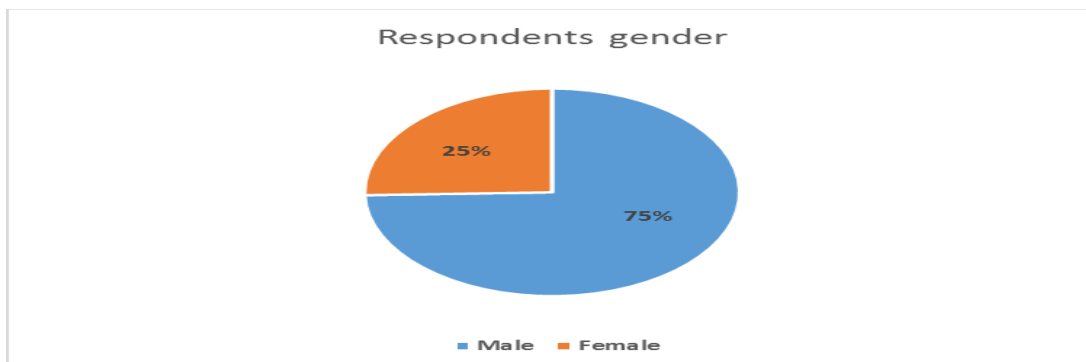


Figure 4.1.2 above presents the gender distribution of respondents. Out of the total respondents, 75% were males whilst 25% were female.

Figure 4.1.3 Age of Respondents

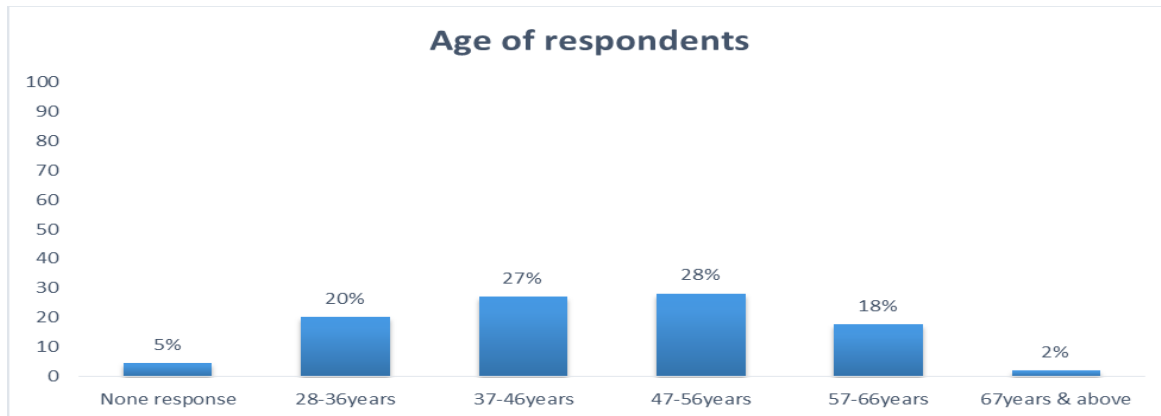


Figure 4.1.3 above presents the age of respondents interviewed for the study. The modal age of respondents was 47-56 years (representing 28%), whilst the median age was 51.5 years. This shows a relatively low representation of youth in MMDAs.

Figure 4.1.4 Level of Education

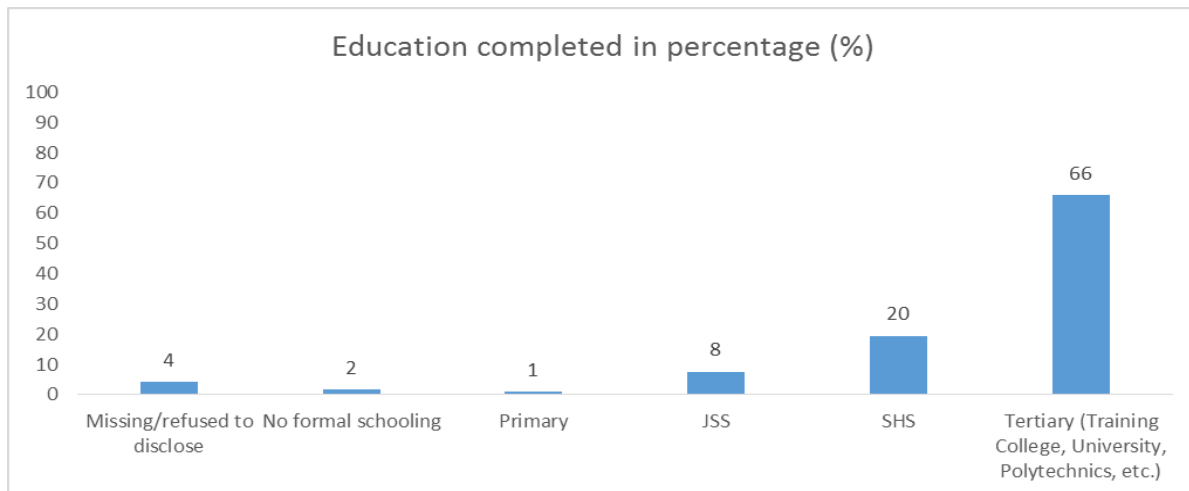
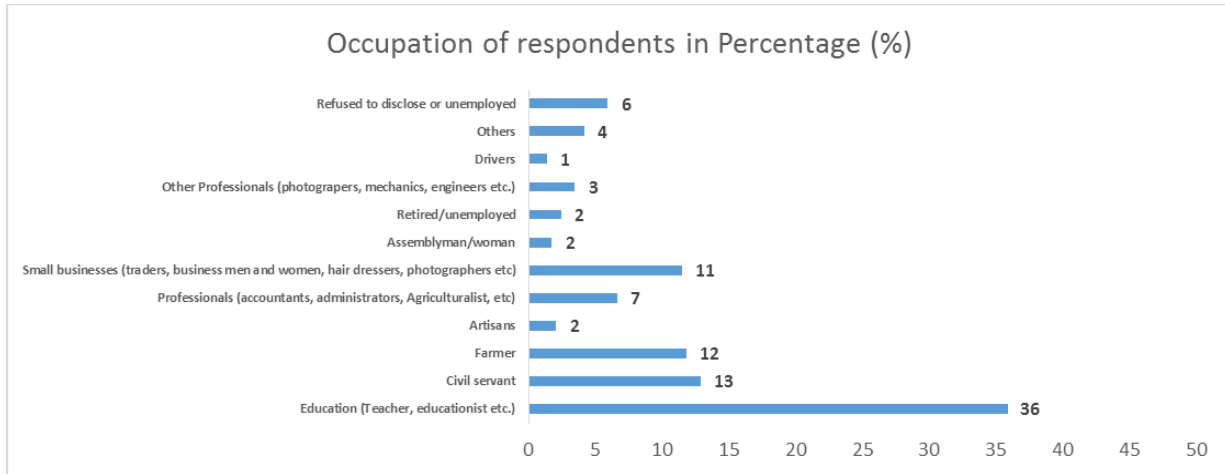


Figure 4.1.4 above illustrates the educational level of respondents interviewed for the study. Majority of the respondents interviewed (66%) had completed tertiary education, followed by Senior High School (20%) and Junior High School (8%). Those with no education or with informal education constituted the lowest number of respondents (2%) and this was followed by respondents who either failed to respond or data was missing (4%).

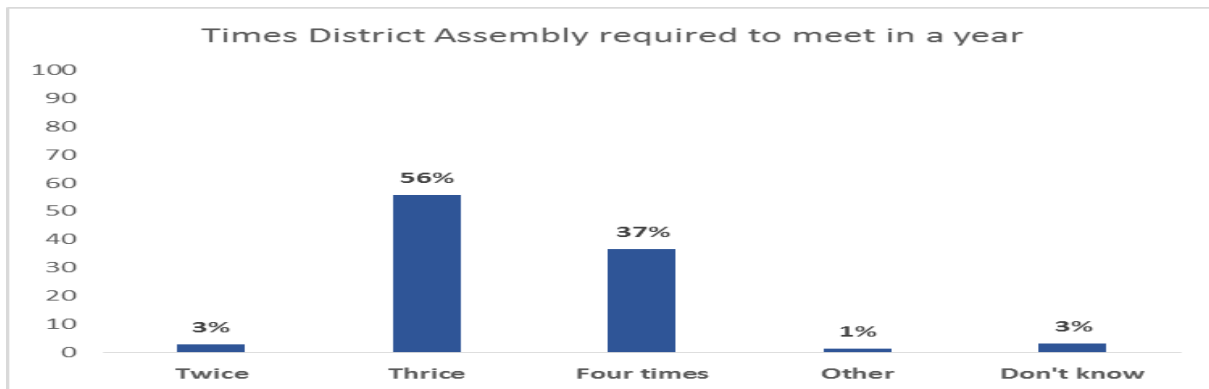
Figure 4.1.5 Occupation of Respondents



The occupation of respondents is presented in figure 4.1.5 above. The majority of the respondents (36%) were teachers and educationist. An additional 13% of the respondents describe themselves as civil servants, while 12% also describe themselves as Farmers. Small business owners constitute 11% of the respondents. Another 7% were professionals whilst 6% refused to disclose or are unemployed. The rest comprising 12% constitutes other professionals and retirees.

4.2. Respondents Awareness on regulations on the conduct of ordinary meetings of MMDAs

Figure 4.2.1 Awareness on the minimum number of ordinary meetings held by MMDAs in year



In figure 4.2.1 above, the study sought to ascertain respondents' awareness on the provisions in the model standing orders that require MMDAs to conduct a minimum of three (3) ordinary meetings in a year. Generally, more than half of the respondents representing 56% are aware that

MMDAs are required to hold at least three meetings in a year for the transaction of general business in the district as spelt out in the Model standing orders of MMDAs. However, a significant minority representing 46% is not aware of this provision in the standing orders. Out of this figure, 37% and 3% are of the opinion that MMDAs are to hold four (4) and two (2) ordinary meetings in a year respectively contrary to the provisions in the model standing orders.

Figure 4.2.2 Respondent's awareness on the types of meetings provided by the model standing orders for MMDAs

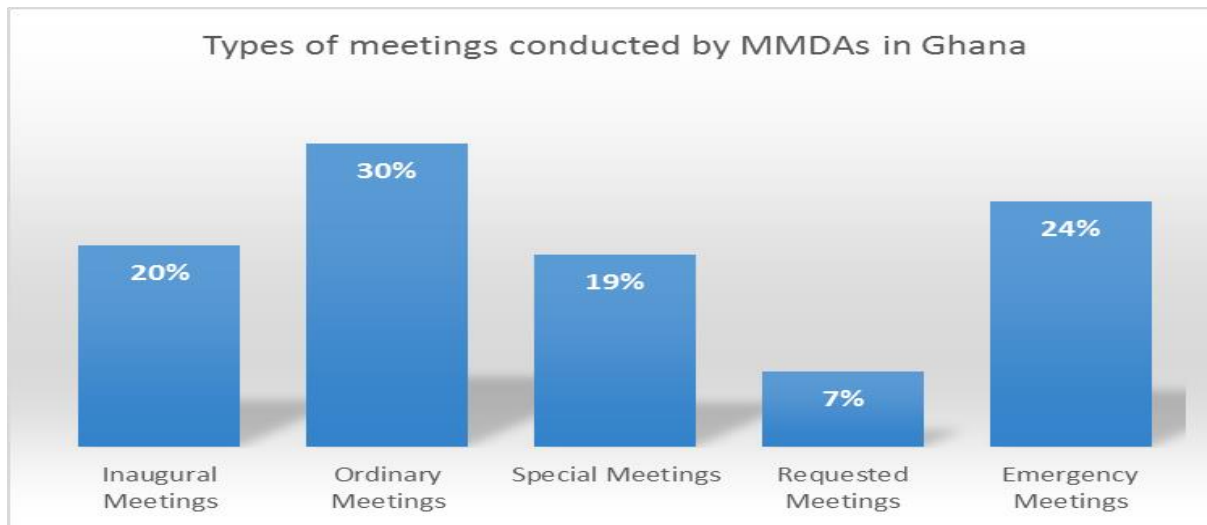


Figure 4.2.2 above illustrates the level of awareness among respondents on the types of meetings an MMDA can conduct in the course of its activities. The standing orders provides for 5 different types of meetings, namely, Inaugural meeting, Ordinary meeting, Special meeting, Requested meeting and Emergency meetings.¹Evidence from the survey revealed that the most popular and known type of meeting was ordinary meeting (30%) followed by emergency meetings (24%), inaugural meetings (20%) and special meetings (19%) . The lowest identifiable type of meeting among respondents was requested meetings (7%).

¹ An Inaugural Meeting is the first meeting of an Assembly following every local level election to inaugurate members of the Assembly. This kind of meeting is held every 4 years after an Assembly successfully completes its tenure and fresh elections conducted. Ordinary Meetings are just the normal meetings that Assemblies often hold to debate on issues affecting the district and suggest solutions. As prescribed by the Standing Orders, a Requested Meeting is usually convened when not less than one-third of the entire membership of the Assembly request for a meeting. As the name indicates, Special Meetings are convened to consider and approve or otherwise, of annual budgets for the Assembly and the President's Nominee for the position of District Chief Executive (DCE). An Emergency Meeting is a meeting convened to consider issues or matters that need urgent attention and cannot be postponed to form part of the agenda for Ordinary Meetings.

4.3 Notice of Assembly meetings

Indeed, the Model Standing Orders, Section 2 (4) provides that, the notice for the holding of meetings other than the inaugural meeting may be published by Radio and in at least one newspaper circulating in the district whilst section 7 (4) also provides that the notice of every meeting of the Assembly shall be exhibited at the office or other regular meeting place of the Assembly.

Figure 4.3.1 Notice of Assembly meetings

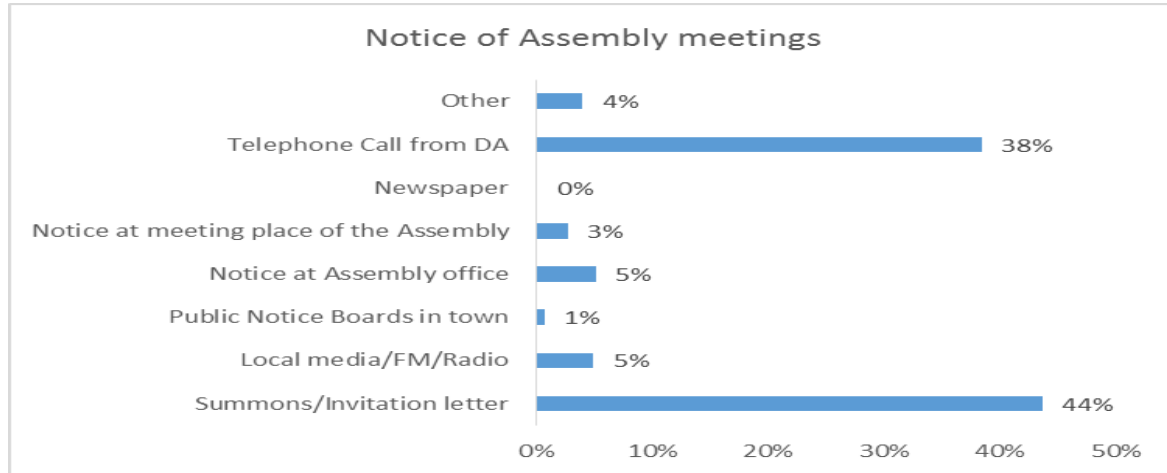


Figure 4.3.1 above presents the various platforms for giving notice on District Assembly meetings to the public. The study found out that majority of respondents received invitations and notice of assembly meetings either through summons (44%) or telephone calls (38%) from the Assembly. Additional 5% of respondents indicated that they get to know of Assembly meetings from Radio/Fm Stations in their locality whilst another 5% indicated the Assembly notice boards at the DAs office as the source of information on meetings of the assembly. 3% of the respondents also indicated that they got to know of assembly meetings from notice board at meeting place of the assembly and 4% from other sources such as friends, public places, etc. Surprisingly, none of the respondents indicated newspapers as a source of information on getting to know of meetings of the Assembly. Indeed, most Assembly members indicated that the DA does not publish notice of meetings in newspapers.

4.4 Assessment of Summons extended to Assembly members to attend Assembly meetings

According to the Model Standing Orders, the Secretary to the Assembly is required to issue summons to each member, stating clearly the date, venue and time for a meeting. Thus the notice of meetings of the Assembly shall contain the date of the notice, kind of meeting, place of meeting, date, day and time of meeting, agenda for the meeting.

Figure 4.4.1 Summons extended to Assembly members and HODs to attend meetings

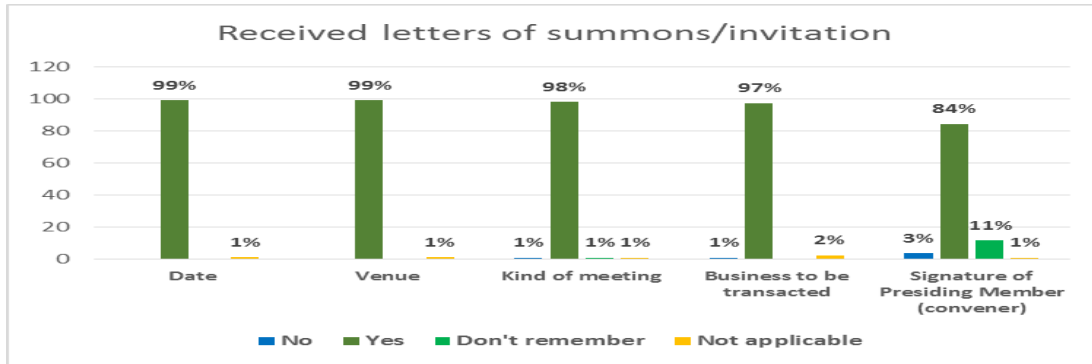


Figure 4.4.1 above presents respondents' assessment of the summons used to invite Assembly members and key stakeholders to meetings of MMDAs. Out of the respondents who indicated that they receive summons to attend meetings of MMDAs, an average respondents of 88% in all cases confirmed that the date, venue, kind of meetings, business to be transacted and signature of presiding members are stated on summons/invitation letters received from MMDAs inviting them to Assembly meetings. On the contrary, only 3% of respondents indicated that presiding officers do not sign summons for assembly meetings, 1% indicated that the business to be transacted is not indicated and another 1% also posited that the venue is not indicated on the summons. Indeed this section sought to determine if PMs have transferred their functions to the administrative and support staff of the assembly and whether the DAs have usurped the functions of the PM. At the validation meeting, some PMs explained that in some situations, they direct the DCDs to sign with the aim of saving the Assemblies from incurring additional financial burden of travelling long distances to reach them for signing. However, the legal implications are obvious as PMs cannot be absorbed of any consequences of such actions.

4.5 Number of Ordinary Meetings held by MMDAs in 2013

The model standing orders provides for at least 3 ordinary meetings to be held in a years

Figure 4.5.1 Ordinary meetings held by MMDAs

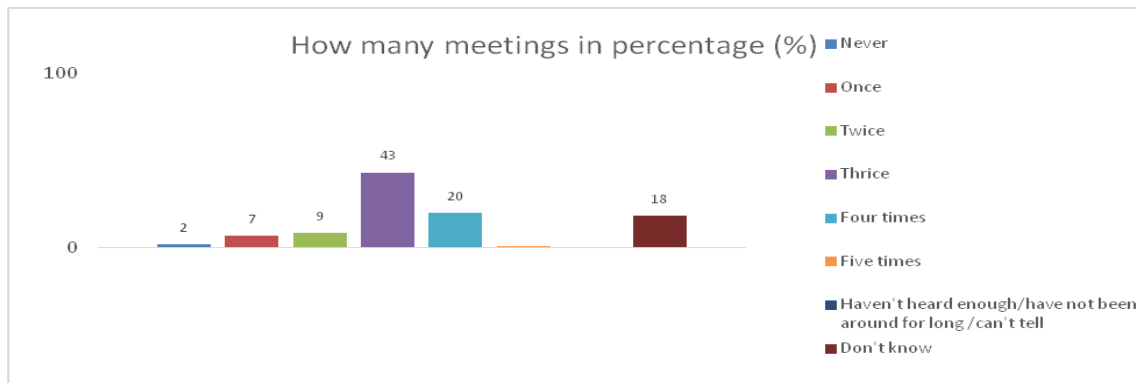


Figure 4.5.1 above presents responses on the number of ordinary meetings held by MMDAs in the targeted districts in 2013. Majority of the respondents (43%) said that ordinary meetings were held three times in the year, four times in a year (20%), twice in year ((9%) and once in year (7%). This notwithstanding 2% of the respondents held contrary views that ordinary meetings were not held in the year.

4.6 Notice of Assembly meetings

The model standing orders provide for at least 14 days and 7 days’ notice for ordinary and requested meetings. However, the orders left the notice period for all other meetings to the discretion of the MMDAs

Figure 4.6.1 Period of notice given to Assembly members to attend DA meetings

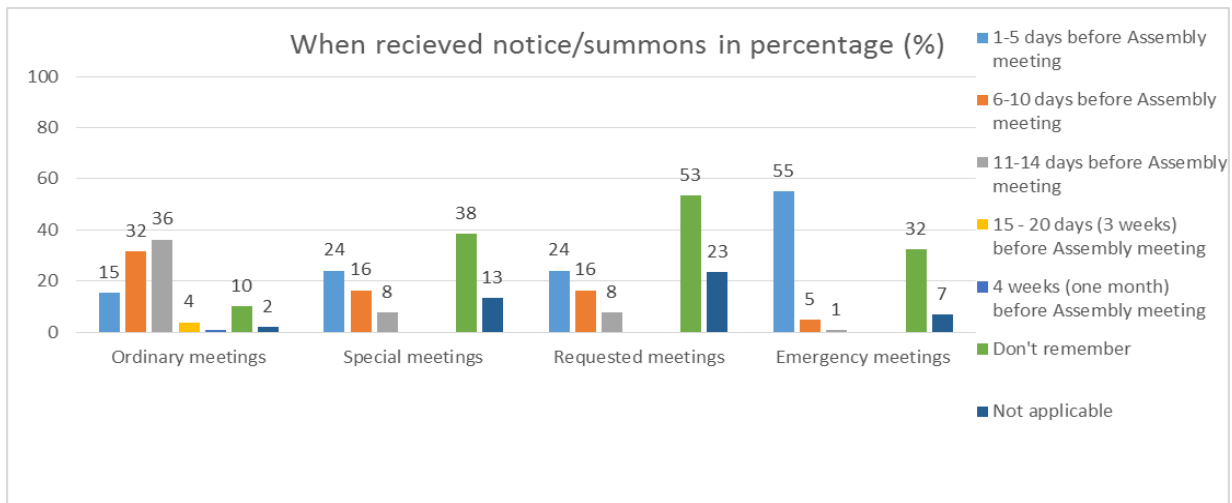


Figure 4.6.1 above presents the period of notice given to Assembly members to attend District Assembly meetings. A higher number of respondents indicated that the notice of meetings ranged from 1-5 days (15%) and 6-10 days (32%) which is below the mandatory notice period. On the contrary, 36% of respondents confirmed that they receive invitations between 11 -14 days and 15-20 days (4%). An additional 10% of respondents could not remember the period notice of meetings were served on them to attend ordinary meetings of the assembly. Moreover, although requested meetings required 7 days notice majority of respondents (53%) did not remember the period of notice served on them to attend these meetings, 24% of respondents indicated 1-5 days notice, an additional 16% of respondents indicated 6-10 days notice and 8% also indicated 11-14 days notice. In all, a total of 24% of respondents confirmed that MMDAs provide the mandatory 7 days notice for Requested meetings. Similarly, majority of the respondents indicated that they are given 1-5 days’ notice for emergency meetings (55%), and 1 to 15 days for special meetings (48%).

4.7 Quorum for Meetings

Figure 4.7.1 Quorum for DA meetings

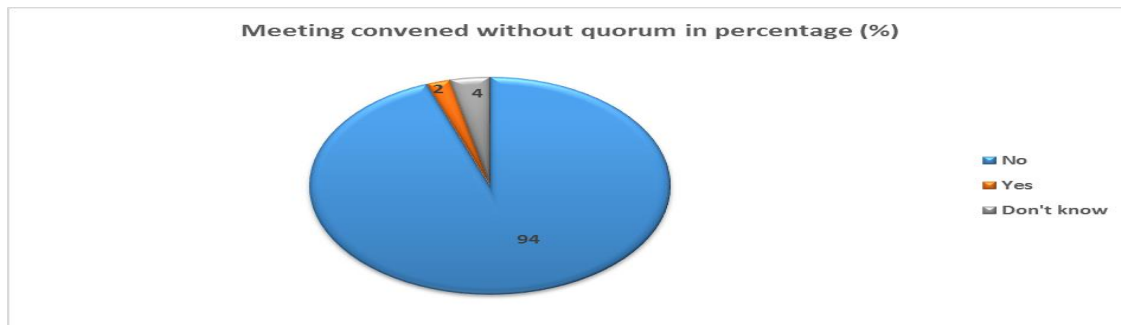


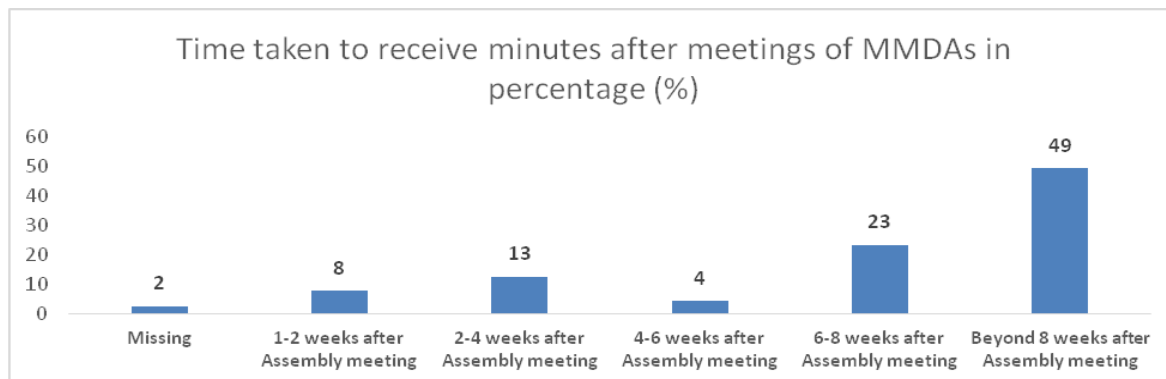
Figure 4.7.1 presents respondents perspectives on whether quorum were formed at DA meetings. According to the model standing orders, the quorum for assembly meetings is one-third of the members present. A large majority of respondents (94%) confirmed that MMDAs mostly have the quorum to conduct business of the Assembly.

4.8 Minutes of General Assembly Meeting

Figure 4.8.1 Receipt of minutes of General Assembly Meetings by Assembly members



Figure 4.8.2 Duration taken to submit minutes to Assembly members after DA meetings



Figures 4.8.1 and 4.8.2 above presents findings on distribution of minutes and time taken to receive minutes after District Assembly meetings. A vast majority of respondents (90%) confirmed that they receive minutes of general assembly meetings of MMDAs. A relatively small minority of respondents (9%) held contrary opinions that they do not receive minutes of meetings of MMDAs after assembly meetings.

Moreover, out of the respondents who confirmed receiving minutes after attending assembly meetings, almost half of them (49%) indicated that they received the minutes two (2) months/beyond 8 weeks after Assembly meetings. They explained that the minutes are normally attached to the notice of meetings received for subsequent meetings. Another 23% of respondents indicated that they receive the minutes 6-8 weeks after attending meetings of the Assembly whilst 4% received the minutes 4-6 weeks after attending assembly meetings. Similarly, 20% of respondents indicated that they receive the minutes between 1-4 weeks after attending assembly meetings.

4.9 Issues mostly debated or deliberated on at Assembly meetings

Figure 4.9 Issues highly debated at DA meetings

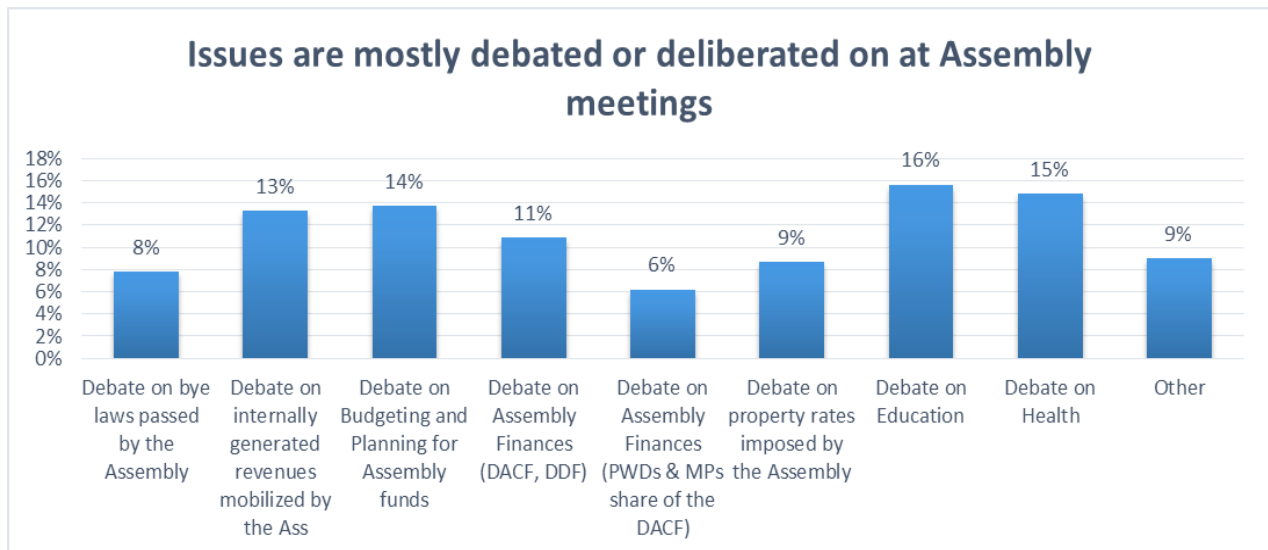


Figure 4.9.1 presents findings on respondents assessment of issues mostly debated at Assembly meetings. Most of respondents (16%) are of the view that education is the mostly debated issue during Assembly meetings. This was followed by health (13%), budgeting and planning (14%) revenue mobilization (13%) respectively. Quite ironically, PWDs and MP's share of the Common Fund (6%) were rated the least of the issues debated at assembly meetings.

4.10 Translation of model standing orders into local languages

Figure 4.10.1 Translation of model standing orders of MMDAs

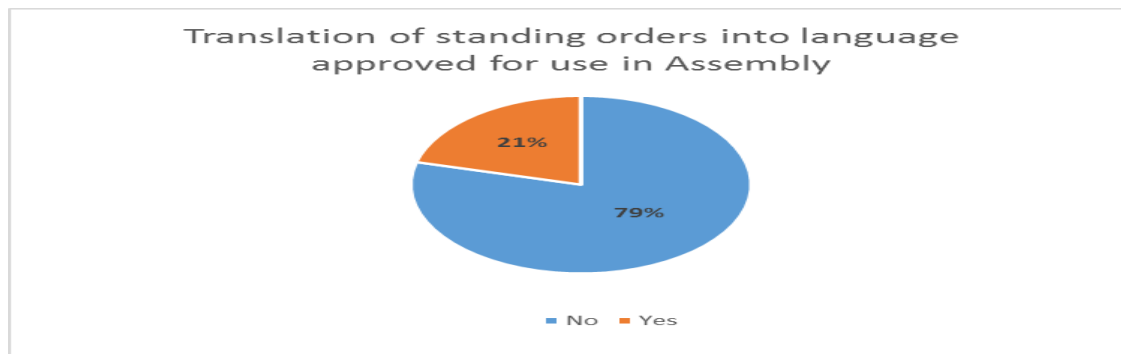


Figure 4.10.1 above presents findings on translation of the model standing orders. Although the standing orders mandates MMDAs to translate the model standing orders into local language approved for debates in the Assembly, the study identified that a large majority of respondents (79%) are not adhering to this provision. That notwithstanding, 21% of respondents/MMDAs indicated that they have translated the model standing orders into their various local Ghanaian languages and official languages for conducting business in the Assembly. However, none of the MMDAs interviewed was able to produce copies of local version of the model standing orders.

4.11 Access to minutes or obtaining a copy or extract of minutes of by the Public

Figure 4.11.1 Fixing of fees for the public to pay to obtain minutes of DA meetings

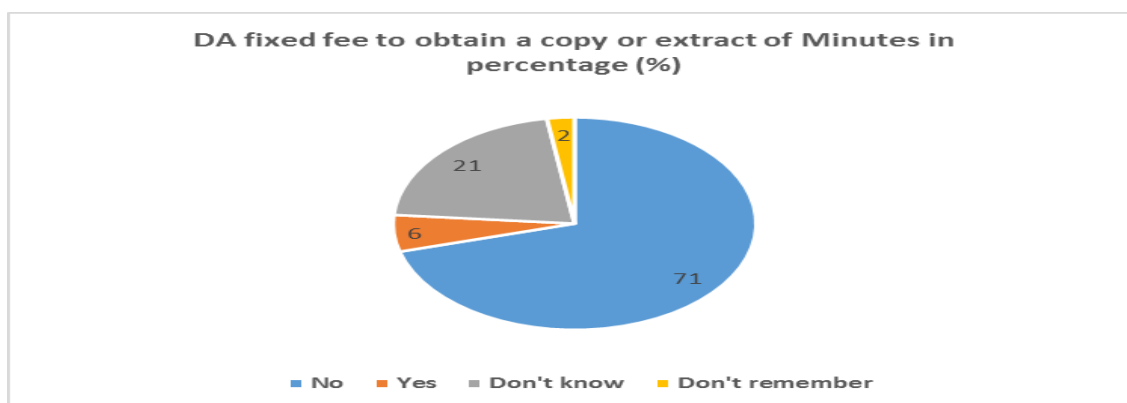


Figure 4.12.1 presents findings on fees fixed by MMDAs and paid by the public to obtain minutes of MMDAs. The Model standing orders mandates MMDAs to fix fees for the public to pay to obtain copies of minutes of meetings of MMDAs. From the survey, a large majority of respondents (71%) stated that their MMDAs have not fixed the fee for the public to pay to obtain

copies of minutes of meetings of the Assembly contrary to the provisions in the model standing orders.

4.12 Rules of debates at Assembly meetings

Tables 4.12.1 and 4.12.2 below shows respondents assessment of the performance of PMs in lieu of the rules of debate and an assessment of how DA meeting are conducted. Generally, evidence from the survey revealed that there is high approval rating of the performance of PMs as conveners and chairpersons of the general assembly meetings of MMDAs. In essence, from Table 4.12.1, a large majority of respondents (average of 87%) strongly agree that Presiding Members have conducted themselves very satisfactorily and adhere to the rules of debate and provisions in the model standing orders. Thus, 92% of respondents indicated that PM ensures that meetings of the Assembly are conducted in accordance with relevant rules of debates, an additional 90% of respondents indicated that PMs preserve order and rule out the use of offensive languages, 89% of respondents indicated that PM presides over all meetings of the assembly and a further 84% of respondents were of the view that PMs give fair opportunity to those who wish to speak.

Table 4.12.1 Respondent's Assessment of Presiding Members on the rules of debates

Issues	Missing	Strongly Agree	Fairly Agree	Strongly Disagree	Fairly Disagree	Total
Signs notices of all meetings of the assembly	1%	83%	13%	2%	0%	100%
Presides over all meetings of the Assembly	2%	89%	8%	1%	1%	100%
Ensures that meetings of the Assembly are conducted in accordance with relevant rules	1%	92%	6%	0%	0%	100%
Preserve order in Assembly and not allow the use of offensive languages	2%	90%	5%	3%	0%	100%
Presides over business of the Assembly in accordance with the order set in the agenda unless the Assembly consents to a variation to the Agenda	2%	88%	8%	1%	0%	100%
Give fair opportunity to those who wish to speak	2%	84%	12%	1%	1%	100%

wish to speak						
Allow reasonable time for discussion of any matters	4%	83%	11%	0%	1%	100%

Table 4.12.2: Respondents Assessment of debates at meetings of MMDAs

Issues	Missing	Strongly Agree	Fairly Agree	Strongly Disagree	Fairly Disagree	Total (%)
Debates are issue-based	1	86	11	1	1	100
Debates are politicized	2	10	18	54	15	100
Members use insulting and offensive words	2	5	12	67	13	100
Members use insulting and offensive words and refuse to apologize	2	10	7	72	9	100
Members read newspapers during Assembly debates	3	6	5	74	13	100
Members make unreasonable interruptions during debates	3	11	24	48	14	100
Assembly women participate effectively in Assembly debates	6	56	26	9	3	100
Members make phone calls during Assembly debates	18	3	13	50	15	100

In Table 4.12.2, respondents generally expressed satisfaction with how debates are conducted during assembly meetings. 86% of respondents strongly agree that debates are issue based, 54% strongly disagree that debates are politicized and an additional 67% strongly disagree that members use insulting and offensive results. On the other hand, 24% of respondents fairly agree that members make unreasonable interruptions during debate. Similarly 56% of respondents strongly agree that assembly women participate effectively in Assembly debates, 26% fairly agree whilst 9% disagree

5.0 FINDINGS, RECOMMENDATIONS & CONCLUSION

5.1 *Discussion of Findings of the Survey*

a. Low citizens awareness on frequency and types of Assembly meetings

Generally, awareness among respondents on the minimum number of ordinary meetings required to be conducted by Assemblies was not encouraging. Almost half of the respondents are not aware that MMDAs are required to hold a minimum of three meetings as required by the model standing orders. Similarly awareness among the public on the various types of meetings, namely, inaugural meetings, ordinary meetings, emergency meetings, requested meetings, and special meetings remains low.

b. Lack of adherence by MMDAs to the period of notice required for summoning members to Assembly meetings

As earlier indicated, the model standing orders provide that MMDAs are required to provide 14 days notice for ordinary meetings and 7 days notice for requested meetings whilst notice for emergency and special meetings are left to the discretion of the respective MMDAs. In most MMDAs, this was not the case with these two meetings. The study found out that the number of days notice given to Assembly members, in most cases fell short of the requirements of the standing orders.

c. Absence of notice of MMDA meetings in newspapers and local radio stations/FM

Section 2 (4) of the standing orders also provides that, the notice for the holding of meetings other than the inaugural meeting may be published by Radio and in at least one newspaper circulating in the district whilst section 7 (4) also provides that the notice of every meeting of the Assembly shall be exhibited at the office or other regular meeting place of the Assembly. This is highly disregarded by MMDAs largely because of the permissive nature of the provision on the publication of the notice in the newspapers. The effect is that it undermines efforts to demand accountability from AM. Indeed, instead of accounting to the public after attending DA meetings as required by law, they hardly do so whilst the public are not able to call for such engagements because they are not aware of the conduct of such meetings. Indeed, some AMs hide under the excuse that DAs have not held ordinary meetings.

d. Delayed circulation of minutes of assembly meetings likely to undermine timely intervention and involvement of the public in the affairs of MMDAs

The models standing orders do not bound MMDAs on the time limit to circulate minutes of assembly meetings. It does not also provide guidelines on this issue. According to the study, most Assembly members receive minutes after 8 weeks of Assembly meetings and in most cases circulated as attachment to summons inviting members to the next ordinary meeting of the Assembly. Although this may be the norm in most associations and in corporate institutions where minutes are attached to notice of invitations of subsequent meetings, this practice does not promote the timely flow of information to the public who provide oversight and monitoring of policies, projects and programs of the Assemblies. The assemblies system is built on local participation and ownership, hence, information on decisions arrived at Assembly meetings which informs expenditures and programs for the next quarter should reach the public timely enough to enhance their watchdog role and to empower the Assembly members to inform and engage their constituents as mandated by the Local Government Act (Act 462). Thus, the delayed circulation of minutes of Assembly meetings is likely to undermine the timely intervention and involvement of the public in the affairs of MMDAs whilst derailing relevant feedback from the public on local government initiatives. This is because by the time the public is aware these initiatives and projects are likely to have been completed or reached an advanced stage.

e. PMs largely abide by the rules of debates in the model standing orders

Most respondents expressed optimism and satisfaction with the conduct of PMs in coordinating and chairing meetings of MMDAs. Members of Assemblies assessed their PMs as being fair, impartial and enforcing the rules of debate.

f. Lack of access to minutes of Assembly meetings

Section 42 of the model standing orders states that the minutes of the proceedings of an Assembly other than minutes of a committee of the Assembly, shall at all reasonable times, be opened for inspection and any person may obtain a copy or extract upon payment of such fee as may be determined by the Assembly. The study observed that most Assemblies have not fixed the required fees for the public to pay to obtain copies of the minutes. The absence of the fees is likely to impede public access and capacity to obtain copies of minutes of Assembly meetings. This largely brings out the negative attitudes of MMDAs towards the public on issues bordering on information disclosure.

g. Non availability of model standing orders in Ghanaian languages

Although MMDAs are required to translate the provisions of the Standing Orders into the language or languages approved for use in the Assembly under paragraph 1(3) of the Standing Orders, majority of MMDAs have failed to do so. The implications are that semi literate and illiterate population who may be able to read their local languages are denied the opportunity to do so.

h. MMDAs rarely debate MPs and PWDs share of the DACF at Assembly meetings

As part of the study, respondents were asked to prioritize a number of issues and rank them according to the frequency at which they are debated at the Assembly. The study identified that the MPs and PWDs share of the common fund was the least debated issue at Assembly meetings.

5.2 Recommendations for CSOs Advocacy

In view of the above findings, the following recommendations are proposed for the consideration of policy makers:

- a. There is general disregard among MMDAs to fix a fee for the public to pay to obtain copies of minutes of Assembly meetings. We recommend that this provision is strictly enforced by the MLGRD and also included in the provisions for the FOAT assessment.
- b. In view of the significance of the minutes of MMDAs at the local level and to enhance the timely flow of discussions and decisions of Assemblies to the public, the MLGRD should consider placing time limits on preparation and circulation of minutes of Assembly meetings to the Assembly members. This would also ensure that the public, including CSOs and the media are able to have access to the minutes early and timely enough after Assembly meetings to undertake effective tracking and monitoring of decisions taken at meetings of the General Assembly.
- c. CSOs, media and the MLGRD should deepen public education and sensitization on the model standing orders especially on the provisions below to promote social accountability and public tracking of the conduct of Assembly business :
 - Regulations on the types and number of meetings conducted by MMDAs as provided in the model standing orders
 - Regulations on public access to minutes of MMDA general assembly meetings as prescribed in the model standing order,
 - Regulations on the translation of the model standing orders into the official languages used to conduct business during assembly meetings, and
 - Regulations on notice of meetings of MMDAs
- d. The MLGRD should make announcement of MMDAs meetings in widely circulated newspapers such as the Daily Graphic and local radio stations/FMs mandatory contrary to the permissive clause in the standing orders so that the public is well informed and are able to track DA meetings at the local level. Thus, the public including the media and CSOs would become aware and observe or monitor DA meetings. CSOs should deepen advocacy on this issue.

- e. Finally, civil society groups and networks such as LOGNET should strengthen partnership with MMDAs to undertake a citizens observation initiative aimed at participating, observing and reporting on ordinary and all other general meetings of DAs with the media to stimulate public interest and discussion as well as strengthening supply side accountability.

5.3 Conclusion

Indeed, if the rationale for local government is built around effective public participation, efforts should be made to improve awareness and education on the model standing orders as it has been done on Act 462 over the years. Although the model standing orders equally provide a very important framework for Assembly business, not much has been done to raise awareness on it.

Moreover, all stakeholders, particularly civil society should promote and demand enforcement of critical provisions in the model standing orders that strengthen accountability and responsiveness of MMDAs. The study also identified severe inconsistencies among respondents on the number of ordinary meetings held in a year. Hence, civil society should enhance their watchdog role and effectively report as well as disseminate debates of MMDAs and ensure that MMDAs are responsive to the provisions in the model standing orders.

In addition, some reforms may be needed such as the provision of sign language and disability friendly venues for PWDs, sanctions for Assembly members who fail to attend meetings, privileges, etc. Finally, there is the need to build capacity of Assembly members on record keeping and provide them with basic documentation and supplies such as folders for keeping summons, minutes of meetings etc. This is in view of the numerous complaints received from them during data collection.

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The Basic Laws in Local Governance (2013) Inter-ministerial Coordinating Committee on Decentralization²

The 1992 Constitution of Ghana

² This document provides all the major laws on local governance in Ghana.