

Intergovernmental Relations in Ghana, 1988-1995

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Introduction

Decentralization policies of successive post-independence governments before the 1980s were not workable solution to ineffective administration, but were primarily means of political control. Indeed, such policies resulted in central government and its bureaucracy tightening their grip on regional and local government units. Following the demise of the Supreme Military Council (SMC) in 1978 (to be followed by a number of two short-lived regimes), no further attempts at decentralization were made until the coming into power of the Provisional National Defence Council (PNCD) on 31 December 1981. Ghanaians had been repeatedly assured by successive regimes that it was they who could best ensure development of their district through participation in local political and economic bodies. Yet by the beginning of the 1980s decentralized structures and personnel enjoyed only very low popular esteem. This is due to politicization of the local government units, over-centralization of power, lack of commitment of political and bureaucratic elites to decentralization, and low calibre of personnel in, and financial incapacitation of, the districts. This was the context in which the PNCD came to power; its main, albeit self-appointed, task was to redress this situation, to build a new Ghana politically from the grassroots up to the nation level, involving a radical decentralization policy.

Perhaps the most comprehensive effort since independence in 1957 in Ghana to reorganize administration at the local level was undertaken by Flt. Lt. Rawlings Provisional National Defence Council (PNCD) government when it implemented its decentralization programme in 1988/89. The programme involved the creation of 107 District Assemblies (DAs) and three Metropolitan Assemblies (MAs) after local government elections were held in December 1988 and January and February 1989. The DAs and MAs replaced the 65 administratively run district councils which had been in operation since the mid-1970s. In structural terms, the DAs and MAs are a "fused" or "mixed" type of decentralized authority, that is, they form part of a single integrated hierarchy of government administration from local to national levels. Each DA/MA is meant to incorporate under one authority 22 line departments and agencies deconcentrated under PNCD Law 207 to district level. The assemblies thus combine the prefectoral-style rule of government-appointed District Chief Executives (DCEs) with democratic control, service provision and tax-raising powers of devolved local government. the assembly, with the DCE as chairperson of its most power-

ful committee, the Executive Committee (EC), is the overall governmental district authority with responsibility for development planning and a very wide range of government services. A district treasury has been created to eventually control the budgets of all deconcentrated departments and ministries. Below the districts are two further tiers, the Urban/Zonal/Town Councils and Unit Committees, but these are essentially consultative bodies (partially nominated) with no budgets of their own, carrying out functions as delegated.

The decentralization programme has both explicit and implicit objectives, which can be found in government documents and the speeches of political leaders, include empowerment, popular participation, accountability, effectiveness, efficiency, responsiveness, decongestion of the national capital, development and checking the rural-urban drift.¹ The implicit objective, on the other hand, is what one would call the politics of decentralization. In Ghana, the PNCD that seized power by force reckoned that aid donors on whom it depended for its Structural Adjustment Programme (SAP) would applaud the creation of elected local government councils as a move towards more open, democratic politics. But the PNCD appeared to see decentralized democratization as a substitute for an opening up of politics at the national level. Elected bodies near the local level would give people the sense that they were participating and exercising a little influence over government without threatening the regime's grip on the higher reaches of the state. This lent a certain democratic legitimacy to the PNCD. In short, decentralization is used as an instrument of stabilizing a political system in crisis and securing some of the political objectives of the government.² On the positive side, the politics of decentralization, insofar as it is aimed at political renewal or the opening up of a previously repressive regime, seemed to have created a huge number of opportunities for mostly young people who aspire to a career in politics.

The explicit objectives of the decentralization programme have not, however, been realized. Although democratization of the DAs through the elections of 1988/89 and March 1994 did achieve some success in political terms, this very success paradoxically produced deep frustrations at the institutional level, reflected in mainly marginal improvements in the

¹ Ayee, J.R.A., *An Anatomy of public Policy Implementation: The Case of Decentralization Policies in Ghana*, Aldershot, 1994; Ayee, J.R.A., *Financing Subnational Governments in Ghana: the District Assemblies' Common Fund*, *Regional and Federal Studies*, 5, 3 (1995), pp. 292-306; Ayee, J.R.A., *The Measurement of Decentralization: the Ghanaian Experience*, *African Affairs*, 95 (1996), pp. 31-50; Crook, R.C., *Four Years of the Ghana District Assemblies in Operation: Decentralization, Democratisation and Administrative Performance*, *Public Administration and Development*, 3 (1994), pp. 339-364.

² Ayee, 1994; Crook (note 1); Smith, B. C., *Decentralization: The Territorial Dimension of the State*, London, 1985.

developmental performance of the DAs. The lack of tangible development results undermined the other objective of the DAs, that is, the creation of a more legitimate and responsive form of government at the local level.³

The under-achievement of the explicit objectives of the decentralization programme is attributed to the uneven distribution of power relationships and distribution of tasks between the central government and the District/Metropolitan Assemblies. This paper, therefore, examines the question of how the decentralization policy affects relations between the central and district levels of government in Ghana. Specifically, it discusses this balance of political power by focusing on the nature and character of central-local relations fostered under the decentralization programme. in short, it deals with the centralizing features of decentralization in Ghana. The paper is divided into three parts. The first part is devoted a discussion of the concept of intergovernmental relations. The second part identifies and evaluates the nature of intergovernmental relations in Ghana and the degree of autonomy that should be given to the decentralized units. The evaluation is based on following four indicators:

- (i) choice of levels;
- (ii) choice of decentralized authority;
- (iii) choice of task to decentralize; and
- (iv) choice of device used to decentralize power.⁴

The third part draws on the lessons of central-local relationships in Ghana and their implications for relocating government administration.

The Concept of Intergovernmental Relations (IGR)

W. Anderson⁵, one of the earliest scholars on intergovernmental relations (IGR), has defined it as "an important body of activities or interactions occurring between government units of all types and levels within ... the federal system". In other words, IGR refers to the interactions that take place among the different levels of government with a state. Anderson's general definition has been fleshed out by Wright⁶, who identifies five distinct characteristics. First IGR recognizes the multiplicity of relationships between all types of government. Second, it emphasizes the interactions between individuals, especially public

³ *Crook* (note 1).

⁴ *Conyers, D.A.*, Decentralization and Development: A Framework for Analysis, *Community Development Journal*, 21 (1986), No. 2, pp. 88-100; *Smith* (note 2).

⁵ *Anderson, W.*, Intergovernmental Relations in Review, Minneapolis, 1960, p. 3.

⁶ *Wright, D.S.*, Intergovernmental Relations: An Analytical Review, *Annals of the American Academy of Political and Social Science*, 416 (1974), pp. 1-16.

officials. Third, these relationships are continuous, day-to-day and informal. Fourth, IGR insists on the important role played by all public officials, be they politicians or administrators. Fifth, it emphasizes the political nature of relationships and focuses on substantive policies, especially financial issues, such as who raises what amount and who spends it for whose benefit with what resultat. Summarizing these characteristics, Wright notes that "the term IGR alerts one to the multiple behavioural continuous and dynamic exchanges occurring between various officials in the political system"⁷.

The concept of IGR is usually associated with states having a federal administration system where the relationships between the federal, central or national government and the major sub-national unit (state, region or province) are formally spelt out in the constitution. In particular, the jurisdictional powers of each level of government are spelt out in the constitution and any rearrangement must be through a constitutional amendment, involving both levels of government. Although the emphasis in the analysis of IGR is on federal-state relations, the full picture also includes how both levels relate to the local government units established within each state. The result, then, is that a full analysis of IGR within a federal administration system must cover the following: federal-state, federal-state-local, federal-local, inter-state, state-local and inter-local relations.⁸

With regard to a unitary state, like Ghana, IGR refers to the interactions between the central government and the sub-national government units. In some unitary states there is only one category of sub-national government commonly referred to as local government units. In such states, IGR refers to the interactions between the central (national) government and the local government units, and it is more commonly called central-local relations. In some other unitary states, like Ghana, sub-nation government units exist at two levels, the local and regional levels. In this second category of states the pattern of interactions includes central-regional, central-regional-local, central-local, inter-regional, regional-local and inter-local relations.⁹

Notwithstanding the fact that the concept of IGR exists in a unitary state, like Ghana, the concept is generally associated with federal states for two reasons. First, the formal constitutional allocations of governmental functions between the federal and state governments in a federal system is absent in a unitary system. In unitary states, it is the central government that determines what functions to allocate to the sub-national units and it can decide to

⁷ Wright (note 5), p. 4.

⁸ Rhodes, R.A.W., Central and Power in Central-Local Relations, Farnborough, 1981; Adamolekun, L., Public Administration: A Nigerian and Comparative Perspective, London, 1983.

⁹ Anderson, W., Intergovernmental Relations in Review, Minneapolis, 1960; Wright (note 5); Rhodes (note 7).

modify these functions without consulting the lower units. Second, and related to the first reason, is the ability of the central government in a unitary state to determine unilaterally both the substance and style of intergovernmental interactions. What this means is that whilst some of IGR exists in a unitary state, it differs substantially from the IGR in a federal state.¹⁰

The concept of IGR covers all forms of decentralization, such as deconcentration, delegation, devolution, federalism and regionalism. Decentralization refers to the distribution of power to lower levels in a territorial hierarchy, whether the hierarchy is one of governments within a state or offices within a large-scale organization. In other words, decentralization either refers to the real division of powers¹¹ or an act of "reversing the concentration of administration of a single centre and conferring powers on local government"¹². So defined, the term decentralization encompasses both political and bureaucratic/administrative decentralization or decentralization between levels of government and within each type of government. Decentralization, therefore, involves a delegation of power as well as changing the power relationships and distribution of tasks between levels of government.¹³

Against this theoretical background, we now proceed to examine the nature of central-local relations in Ghana on the basis of the four indicators earlier on stated.

Choice of Levels

The choice of levels has a strong influence on the degree of central influence and community involvement and on the direction and extent of accountability. Basically, four administrative levels or tiers have been created in Ghana, even the three Metropolitan Assemblies have a five tier structure. They are (i) 10 Regional Coordinating Councils (RCCs), which occupy the apex or upper tier of the structure; (ii) 3 Metropolitan Assemblies (MAs), 4 Municipal Assemblies (MAs) and 103 District Assemblies (DAs); (iii) Urban/Zonal/Town Councils, and (iv) Unit Committees (see *Figure 1*).

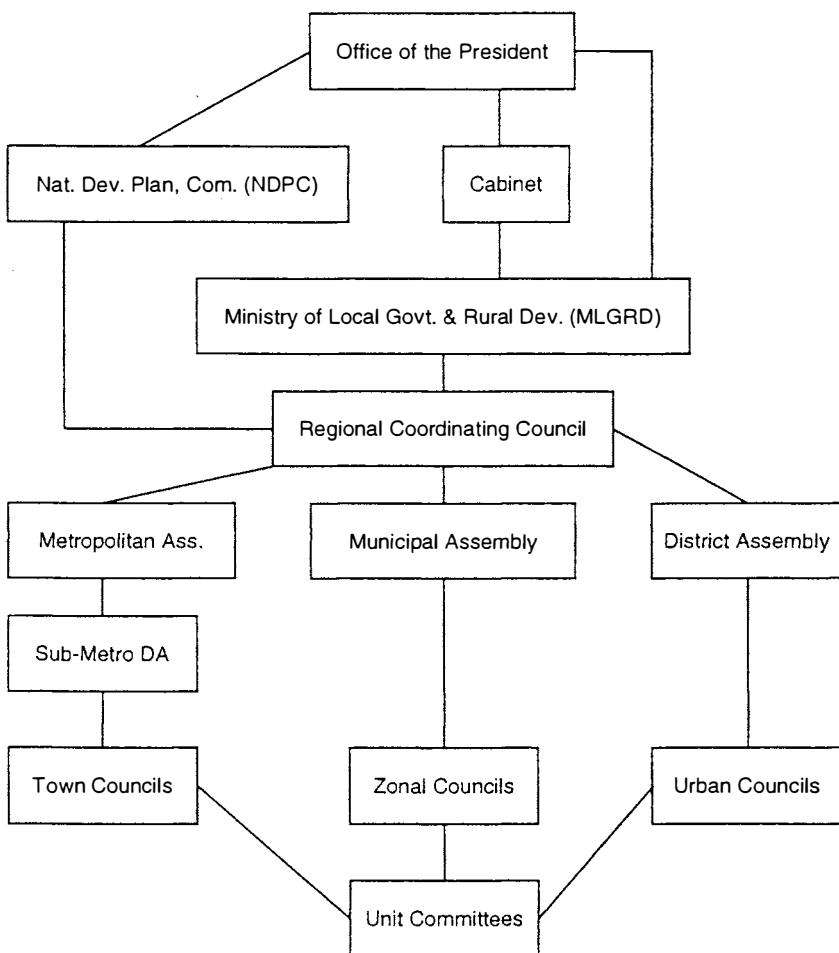
¹⁰ *Rhodes; Adamolekun* (note 7).

¹¹ *Maass, A.* (ed.), *Area and Power*, Glencoe, 1959.

¹² *Smith, B. C.*, *Decentralization: The Territorial Dimension of the State*, London, 1985.

¹³ *Rondinelli, D. A.* et. al., *Analysing Decentralization Policies in Developing Countries: A Political Economy Framework*, *Development and change*, 20 (1989, pp.57-87; *Smith* (note 11).

Figure 1: The Structure of Local Government in Ghana



The Regional Coordinating Council (RCC)

Each of the 10 regions of Ghana has a Regional Coordinating Council (RCC). Unlike at the district level, the RCCs are not elected bodies. Membership consists of the following:

- (a) Regional Minister (RM) and his deputies – who are all government appointees;
- (b) the Presiding Member (Speaker) of each District Assembly (DA) and the District Chief Executive (DCE) – a government appointee – of each district in the Region;

- (c) two chiefs from the Regional House of Chiefs elected by the chiefs at a meeting of the House; and
- (d) the regional heads of the decentralized ministries in the region as members without the right to vote.

The chairman of the RCC is the Regional Minister (RM), who represents the President and coordinates and directs public administration in the region. The secretary to the RCC is the Regional Coordinating Director (RCD), the head of the Regional Administration.

The main role of the RCCs is to serve as an intermediate coordinating and monitoring link between the central government and the districts. Specifically, the RCCs

- (a) monitor, coordinate and evaluate the performance of the DAs in the region;
- (b) monitor the use of all monies allocated to the DAs by any agency of the central government; and
- (c) review and coordinate public services generally in the region.

It may seem that the RCCs play a rather secondary role in the system of local government in Ghana. Unlike the DAs, the RCCs do not command a local resource base in the form of locally generated revenues. It has also few service delivery functions. Despite its secondary role, the RCCs are very powerful in practice, especially when there has generally been no agreement on their "coordinating and monitoring" functions. They seem to direct and control activities of the DAs in practice to ensure that the DAs operate within limits set by legislation. This is a way of guaranteeing some measure of supervision from the centre. Sometimes the power to approve or reject the bye-laws of the DAs is delegated to the RCCs by the Minister of Local Government and Rural Development.

The District Assemblies (DAs)

The District Assemblies (DAs), which are elective bodies, are the basic units or the fulcrum of the local government. They are found in the 110 districts. They are either Metropolitan (population over 250,000), Municipal (one-town Assemblies with population over 95,000) or District (population 75,000 and over). The composition of membership is made up of elected representatives, the District Chief Executive (DCE) – the chief representative of the central government in the district, Members of Parliament (MPs) whose constituencies fall within the area of authority of the DA and 30 % of the total membership of the DA appointed by the President in consultation with traditional authorities and interest groups.

The DAs are the political and administrative authority in the districts and they exercise deliberative, legislative and executive functions. They also provide guidance, give direction to, and supervise all other administrative authorities in the districts.

The general objectives of the DAs include all-encompassing functions such as responsibility for the

- (a) overall development of the districts;
- (b) formulation of strategies for the effective mobilization of human, physical, financial and other resources; and
- (c) provision of basic infrastructure and municipal works and services.

While success in achieving such goals is very difficult to measure, the legislative instruments setting up each DA provide a very specific list of up to 86 particular duties. Such legal duties do form a useful bench-mark against which to measure the outputs of the DAs.

Sub-District Structures

They are essentially consultative bodies with no budgets of their own. They carry out functions as delegated by the DAs. They assist the DAs in the performance of their functions. The sub-district structures, which are yet to be established under Legislative Instrument (LI) 1589 of 1994, are also to serve as instruments by which DA members can relate to their communities. The sub-district structures have two tiers:

The Urban, Zonal and Town Councils

They are not elective bodies. The Urban are created for settlements with populations above 15,000 and which are cosmopolitan in character, with urbanization and management problems, though not of the scale associated with the metropolises. 34 of such councils have been created. The Zonal and Town Councils, on the other hand, are established for settlements with population between 5,000 and 15,000. The Urban, Zonal and Town Councils consist of representatives of the relevant DAs, Unit Committees (UCs) and government appointees, selected by the DCE on behalf of the President, after consultation with the Presiding Member and traditional authorities and organized productive economic groupings in either the urban area, municipality or the town. The Councils are supposed to be the rallying point of local enthusiasm in support of the development objectives of the DAs.

The Unit Committees (UCs)

The Unit Committees (UCs) are elected bodies, consisting of not more than 15 persons, made up of 10 persons elected by universal adult suffrage and 5 government appointees, again selected by the DCE on behalf of the President, after consultation with the Presiding Member and traditional authorities and organized productive economic groupings in the Unit. A Unit is normally a settlement or a group of settlements with a population of between 500-1,000 in the rural areas, and higher a population (1,500) for the urban areas. The UCs are supposed to perform roles, like education, organization of communal labour, revenue raising and registration of births and deaths. Elections to the UCs were postponed two times in 1995 as a result of inadequate education and preparation by the Electoral Commission.

While, from the national perspective, the district level appears appropriate for being sensitive to local needs, from the grass roots it has appeared as a remote source of policies and decision. Moreover, there has been the tendency of the DAs to centralize within their boundaries, thus limiting the discretion of community-based organizations. Thus, mechanisms for community involvement often remain as unresolved problems, especially when the sub-district structures are not in existence. To curb them, open public meetings and publicity drives are organized by the DAs in the rural areas to ensure some relative participation of the people. These are still inadequate though.

The choice of levels reveals one significant thing worth noting. This is the fact that the central government has been given the power to appoint persons to every tier of the structure. Although the government in theory is supposed to appoint people on the basis of their expertise and competence, in practice most of the appointees are predictably loyal to it. This is to ensure central direction and control of the decentralized units.

Choice of Decentralized Authority

The DAs, like local government units, take areal form, with responsibilities for a wide range of local services. The DAs and the Unit Committees are a hybrid form of decentralized authority, combining elected and appointed members. Neither are they fully elected and responsible solely to their electorate nor simply a sounding board for local public or professional opinion. As indicated, the appointed members are to add expertise or make the decentralized units more representative of their community. The RCCs and the Urban, Zonal and Town Councils, on the other hand, are wholly appointed.

The question to ask is how does the hybrid form of decentralized authority affect accountability within the DAs. Or in more specific terms, whose interest do the DAs represent? This question can be answered by looking at the relationship between elected members and the electorate, elected members and the officials and appointed members and their groups, like traditional authorities and other interest groups in the district.

The relationship between elected representatives and their electorate was far from being cordial. One of the major claims made by the government for the DA system was that it represented a significant contribution to the development of popular democracy at the local level. It is true that there were novel features in the system which justified the claim both in theory and in practice. Paradoxically, however, it was the very success of democratization which led to pressures on the relationship between the elected representatives and their electorate pressures so severe that they threatened the long-term prospects of the DAs. The DA members were under official injunction to be responsible for the development of their areas, and were to be judged by their success or failure in encouraging development.

They were also to be judged by how closely they maintained contact with their constituents, a task facilitated both by their local residence and the closeness of representation built into the system – an average ratio of one DA member to 2,000 electors. All the pressure therefore was on the DA members to act as delegates for their communities, to fight for a share of the assembly's resources of their area at the exclusion of all else.¹⁴

Popular enthusiasm for the DAs when they were first introduced was remarkably high. The policy seemed to herald a boost in both resources and government attention to the problems of the rural areas, albeit that it was linked by the government to the policy of encouraging self-help and community initiative. Expectations were high, and this was as true of the elected DA members as it was of the public. The expectations aroused could not be fulfilled except in a tiny minority of communities, given the limited resources and the large number of "represented" communities in each district. Only a few of the DA members representing the large towns or those with special political influence or "connection" were able to succeed in "bringing development" to their constituents. For the influential DA members, there were two possible options. On one hand, they could emphasize the logic of general taxation, in the hope of getting a return through the "local rebate" schemes tried (unsuccessfully) as tax-paying incentives. On the other hand, they could go in for organizing local self-help. Both options, of course, had their limitations.

DA members who put all their efforts into encouraging tax paying without succeeding in getting any projects for their areas ended up in a "no win" position. They were condemned by the government and the local administration for the low level of DA revenue generation. And they were condemned by their electorate both for failing to deliver on their promises and for being involved in frequently heavy-handed "pay your tax" campaigns. That the legitimacy of local taxation had hardly improved since colonial times was shown by the levels of basic rate collection. An average of 13 per cent of adults had paid the tax in the 110 districts.¹⁵ On the other hand, if DA members decided to emphasize the alternative dimension of government policy, namely, that communities had to develop the spirit of self-help, they were equally condemned. The electorate complained bitterly of the "double jeopardy" to which they were exposed. First, they were told they must pay their basic rate and other taxes or there could not be local development. But when they asked for a new school roof, a bridge to be repaired or their feeder road to be resurfaced, they were told to levy local contributions and organize local communal labour. Most communities quite rightly could not see the purpose of DA taxation when the only projects or services they obtained were through their own local efforts. The dilemma posed by the competing demands of community-based development contributions and DA taxes was a direct result

¹⁴ *Crook; Ayee, 1994; Ayee, 1996* (note 1).

¹⁵ *Ayee, 1996* (note 1).

of the unresolved contradiction between participatory and direct democracy embodied in the DA concept. All that success in creating larger numbers of self-help projects achieved was to create further demands for aid with building materials which the DA could not meet. It was not surprising therefore that many DA members felt demoralized. The pressure to become over-involved in tax collection had a profoundly destructive effect on their role. The more closely identified a DA member was with his electorate, the more keenly he felt the pressure of disappointed expectations. If the DA member had not been so closely identified with their communities and so exposed to an intense social pressure to deliver benefits to their electorate, they might not have felt so embarrassed and fed up. Many of them had conscientiously kept contact through regular meetings as required by law. But these tended to be the ones who had either succeeded on the self-help front or who had more or less given up on the AD. Other members who had nothing to show had given up attending meetings with their constituents or lapsed into resentment at the system.¹⁶

The relations between elected DA members and officials, on the other hand, were also not very cordial. When a bureaucratically run local is either taken over or replaced by an elected authority, the first and most important change to be felt is in the formal structures of accountability. Officers now have to report to and be guided by the decisions of elected members; in the Ghanaian case they also had to work closely with elected members in subcommittees and report personally to the executive committee of the DA. DA members in Ghana struggled to achieve control over policy-making, policy implementation and the execution of the budget. The reason was mainly structural. The most important structural factors were the position of the District Chief Executive (DCE), which until the coming into force of the 1992 Constitution is known as the District Secretary (DS) and the failure of the government to establish a legal basis for a genuinely decentralized civil service.

With regard to the role of the DCE, the fundamental problem remained the apparent unwillingness of successive governments in Ghana to abandon the colonial district administration system. The DCE's political role is paramount. Any duty he performs in and out of the DA is defined primarily by the central position he occupies in the political life of the district. In the DA he is the representative of the central government; and his office is a conduit for transmitting central government concerns to the district at large. He therefore has dual allegiance which, because of his office, is heavily tilted towards the former. He is the most influential member of the DA, as reflected by his chairmanship of the Executive Committee, the nerve centre of the DA, which exercises its executive and co-ordinating functions. Neither in law or practice does the Presiding Member (PM) ever present a real threat to the dominance and pre-eminence of the DCE. For this reason the PM is specifically excluded from membership of the executive committee to the full DA. Of course a PM who has secured his membership of the DA by election, as opposed to one appointed,

¹⁶ See note 13.

is inclined to see himself as wielding more power in the DA than the DCE, whose political life is tied to the fortunes of the government in power and is not dependent upon the existence of the DA.

The control exercised by most DCEs is manifest in their confrontational attitudes to DA members which, in the Adansi West District, contributed to low attendance at DA meetings. The Deputy District Co-ordinating Director (DCD) of the Afigya-Sekyere District, the second topmost administrator in the district, clearly shows the depth of the DCE's influence:

"When a suggestion is made by the DCE it is difficult to kick against it. In his absence, the situation during the Assembly meetings is different; everybody is free to speak their mind. The presence of the DCE is detested by almost all the Assembly members. Those who do not acknowledge his influence are the illiterates."¹⁷

The influence of the DCE in decision making is not in doubt. For instance, in the Amansie East District, the DCE influenced decision reached; his counterpart in the Sekyere West District used his discretion on certain occasions to distribute development materials. This being so, it seems that the consensual style of decision making prevalent in most DAs is merely a matter of convenience. There is, then, a tendency for DA members to regard decisions as being made in the interests of the DCE and the central government, rather than those of the public. The current practice of the President appointing the DCE, with the prior approval of two-thirds of the members of the DA present and voting, is a simple way to get round the DCE's contentious role in Ghana's decentralization programme. But this leaves important questions unanswered: How can the DCEs reconcile their position as government representatives with their accountability to the DA whose members have voted to ratify their appointment? And how does the managerial and administrative authority suggested by their title affect their political authority? A DCE can only assuage power struggles and central government influence in the DAs but never eradicate them completely. Given the role of the DCE in previous decentralization reforms, any official who replaces the DCE will not merely be a titular head but will eventually become a power broker.¹⁸

The other structural impediment to the achievement of full control by the elected DA members is the government's tardiness in implementing administrative and fiscal decentralization. Even seven years after the DAs had been set up, a legal basis for the decentralization of departments and central ministries had not been enacted. As a result, staff in the "decentralized" departments at the district level are still appointed by and responsible to their parent ministries through the civil service system. The District Co-

¹⁷ Acheampong, E., Tug of War in Ghana: The Centralizing of Decentralization, *Africa Insight*, 25, 3 (1995), pp. 186-194.

¹⁸ See note 16.

ordinating Director (DCD) to whom much of the DCEs work is delegated and who acts as secretary to the DA has to work very closely with DA members. But he remains in practice an established civil servant whose position and career are legally separate from that of the DA, despite the promulgation of the new Civil Service Law (PNDC Law 327, 1993) and the Local Government Act (Act 462, 1992).

The relationship between appointed members and the groups they are supposed to represent is non-existent because there is no formal mechanism for consulting the groups or for being held accountable to them. Not surprisingly, appointed members find their position uncomfortable and frustrating. Though the government was keen to emphasize the skills and expertise appointees could offer, the real motive behind their inclusion in the DAs was political; it was to give them "political direction" (which in the language of the day meant nothing more than serving as government watch-dogs) and ensure that the presence of the government was felt in the DA forum. The government hoped that appointees, like the DCEs, would give some certainty that the DAs would operate within the confines of central government policy.

The government's hope of using the appointees to its own advantage has not fully materialized. Some have lived up to their image of providing expertise to their DA. Others have been the most active critics of the local administration and the government itself. Nevertheless, despite some appointees having successfully confounded the public view of them as "government agents or stooges" one cannot fail to perceive the real threat to the autonomy of the DAs posed, as a class, by the appointed members. There is evidence in some of the DAs that the pro-government stance of some appointed members has not disposed them to a harmonious relationship with their elected counterparts.¹⁹

Choice of Tasks to Decentralize

Irrespective of the type of decentralization, the tasks that are decentralized, and the relative balance of responsibilities for each between different levels, seem to strongly influence the degree of power that decentralized units wield, and the extent to which accountability lines run upwards or downwards. Those tasks are (i) revenue raising; (ii) policy-making and planning; (iii) resource allocation; and (iv) interagency and intersectoral co-ordination.

¹⁹ Ayee, 1996 (note 1).

Revenue Raising

One aim of decentralization is to mobilize local-level resources for development. It can occur in two ways – when elected bodies impose taxes, and when citizens make voluntary contributions to development projects. Has this been the case in Ghana? The answer to this question requires further probing. The decentralization of the government consisted of three main elements; namely, the transfer of power, the transfer of competence and the transfer of means, whereby means implied resources, such as finance without which power and competence would not be effective. Indeed, the decentralization policy had made the DAs take on additional expenditure responsibilities, such as the provision and maintenance of second-cycle educational institutions, which hitherto were performed by the central government. As a way of making the DAs financially buoyant therefore, the Local Government Law (PNDC Law 207 of 1988) set up a financial base that covered six broad areas: local taxes, such as rates, fees, levies and licenses, which the DAs were empowered to impose and collect; bank borrowing within Ghana for investment; investment income; central government development grants; shares of revenues collected by the central government on specific natural endowments, for example, stool lands, and shares of seven central government revenues, such as casinos, betting, gambling, entertainment, daily transport, advertisement taxes and income tax (registration of trade and vocation), which were ceded to the DAs. The first five were used by previous governments. However, the sixth, the ceded sources were, until 1988, collected by both the central government and the district councils concurrently and shared between the two levels of government equally. The PNDC government's arrangement differed from that of previous governments in that all the sources were to be shared among the 110 DAs and not between the two levels of government.²⁰

Ceded revenue added £ 135,556 to the total revenues of the DAs in 1989, £ 151,555 in 1990, £ 294,000 in 1991, £ 1,050,000 in 1992 and £ 600,000 of the first half of 1993.²¹ In most cases the yield from the ceded revenue even exceeded the total revenues mobilized from the districts themselves by the DAs. Monies generated from the ceded revenue were shared among the DAs by a formula developed by the Planning Division of the Ministry of Local Government. The factors of the revenue sharing formula were: a flat equal sum for each DA, designated as "equality"; the population of each of the districts; and assessed development status or deprivation of each district, calculated in terms of availability of services, basic educational facilities, justice and security services and accessibility to administrative and financial institutions.²²

²⁰ *Ayee*, 1994 (note 1).

²¹ See note 19.

²² *Ayee*, 1994; 1996 (note 1).

The financial package under PNDC Law 207 did not improve the capacity of the DAs to perform the functions assigned to them. The DAs still looked to the central government to provide grants for the development projects, but these were mostly not forthcoming. As a result most DAs resorted to illegal taxation, including levies on export crops, which, together with a general increase on domestic rates, cost them electoral popularity. Although much emphasis was placed on improved revenue collection from ceded revenue, market tolls, licensing, fees, stool land revenues, property and basic rates and special levies, they did not produce adequate revenues. It is noteworthy that the PNDC, despite its so-called commitment to decentralization, refused to concede any of the central government's lucrative revenue sources, such as duties on exports and imports, to the DAs which were expected to assume responsibilities for local development. Thus, the insolvent financial position of many of the DAs rendered them incapable of becoming promoters of socio-economic development in their areas.²³

The DAs also had only limited success in increasing revenues from rates and other forms of local taxation for a number of reasons. First, most of the DAs are located in impoverished areas, which limited the actual amount of mobilizable resources. Secondly, even if resources were there to be mobilized, elected DA members naturally hesitated to impose fresh taxes on their constituents since they made the representatives unpopular. They were particularly reluctant because most of the resources which might be tapped were in the hands of local elites, from which most DA members come and on whom they often depend at election time. Thus efforts to mobilize local resources often amount to attempts to persuade local elites to tax themselves. Or they bring elected DA members into bitter conflict with their electorates. Thirdly, the long history of the failure of local government in Ghana and of the misuse of locally mobilizable resources has made taxpayers cynical about what the DAs may do with local contributions or tax revenues. They are therefore generally unwilling to pay rates. Fourthly, the scope of the functions allocated to the DAs in relation to their size and resources almost guaranteed that large numbers of the electorate would be disappointed. Even if the DAs had made a better job of revenue collection it was impossible that every community in the 110 districts could have its demands for large-scale infrastructural and social development.²⁴

In the drafting of the 1992 Fourth Republican Constitution, it became imperative that the financial base of the DAs needed to be strengthened if they were to perform their statutory general and specific functions. It needs to be emphasized that the decentralization policy of the government was meant to achieve two things; first, to stimulate greater popular participation/interest in local government through enhanced representation and influence on local

²³ Aye, 1994; 1995 (note 1).

²⁴ See note 1.

development projects; and secondly, to encourage greater readiness on the part of local populations to contribute to local development efforts (via, among other things, rates and other forms of local taxation). There was, however, a conflict between these aims on the one hand and, on the other, the continuous reluctance of the central government to allow very much real autonomy to the DAs and in addition pressure from the World Bank, through the Ministry of Finance, to keep down government expenditure as part of the structural adjustment programme which started in 1983. The result was a vicious cycle whereby the DAs had little revenue for development projects, hence local populations lost interest and became reluctant to contribute more through local taxes to DAs which seemed to be doing little for them.²⁵ The establishment of the District Assemblies' Common Fund (DACF), under Section 252 of the 1992 Constitution, into which not less than five per cent of total revenues of the Ghana government are to be allocated to the DAs for development, was intended to provide a way out of this situation.

The DACF is administered by a District Assemblies' Common Fund Administrator (DACFA), who is appointed by the President with the prior approval of Parliament. The DACFA performs basically three functions: (i) proposes a formula annually for the distribution of the Common Fund for approval by Parliament; (ii) administers and distributes monies paid into the DACF among the DAs in accordance with the formula approved by Parliament; (iii) reports in writing to the Minister of Local Government on how allocations made from the DACF to the DAs have been utilized.

The DACF is shared on the basis of a formula: (i) need – 35 %; (ii) equalizing – 30 %; (iii) responsiveness – 20 %; (iv) service pressure – 10 %; (v) contingency – 5 %. Disbursements from the Common Fund have yielded £ 600,000 for the second half of 1993, £ 17,000,000 for 1994 and £ 23,500,000 for 1995. Since the introduction of the DACF in 1993, local revenue mobilization has on the average declined. Although proceeds from the Fund has also far exceeded locally generated revenue, regional ministers, DCEs and MPs have complained publicly that the disbursements are not enough to take care of the numerous responsibilities given the DAs. They have, therefore, called for an increase of the 5 %. In 1994 proceeds from the DACF constituted 19.6 % of total development budget of the government.²⁶

Under Section 9 of the DACF Act (Act 455) of 1993, the Ministry of Finance (MOF), in consultation with the Ministry of Local Government (MLG), was authorized to determine the category of expenditure of the approved budget of a DA that must be met out of the DACF. After the areas had been known, the DAs would select projects to the value of their

²⁵ Ayee, 1995; 1996; Crook (note 1).

²⁶ Ayee, 1995 (note 1).

share and communicate this to the DACFA and the MLG. This stipulation was carried out in 1994 and 1995 by a directive from the MOF, in consultation from the MLG, to all the 110 DAs to concentrate their allocations from the DACF on specific projects in the areas of health, education and central government undertakings. This directive was seen as undermining the autonomy of the DAs. The proceeds from the DACF are specified for certain purposes and so restrict the freedom of the DAs to distribute resources according to their own sense of priorities. This reinforces the view that it is possible to equate financial dependence with centralized control. In other words, centrally-provided finance, such as the DACF, accompanied by other instruments of guidance and control, tends to erode the autonomy and independence of sub-national governments. As central funding grows, so does central control.²⁷ Without local autonomy to manage resources, there can be no genuine accountability. However, given the limitations on local mobilization of resources which afflict all the DAs in Ghana, a significant element of transferred central funding in fact appears inevitable.²⁸

Policy-making and Planning

The 86 functions assigned the DAs include all-encompassing functions such as responsibility for the overall development of the district, the formulation of strategies for the effective mobilization of human, physical, financial and other resources and the provision of basic infrastructure and municipal works and services. They tend to be numerous, unclear and permissive as opposed to mandatory. Most of the functions are regulatory, with little institution-building activity taking place. In addition, the functions also show that the responsibility of the DAs is restricted to local issues. They can make recommendations to the central government but through official "clarification", directives and exhortations, the DAs have been made to understand that their domain of influence is the district. On matters that can even remotely influence national policy they have no power. In so far as the practical powers of the DAs are concerned, decentralization has been turned into centralization. In fact, with the exception of assisting local development through the provision of finance and materials, the DAs have not, in practice, been entrusted with any major responsibilities at all; they remain on the sidelines of central government activity. Their confinement to local issues has constrained their link role. They transmit the purposes of government to the people. But their ability to persuade the government to modify its policies to conform to popular opinion has been severely curtailed.

²⁷ *Smith* (note 11).

²⁸ *Ayee*, 1995 (note 1).

The DAs do not influence national policy. But government has the power to influence their decisions. The scope of their operations is defined by law promulgated by the government. But the law has not set out, in detail, what the DAs can and cannot do. And the interpretation of the powers of the DAs rests with the central government. Indeed, all bye-laws of the DAs are approved by the Ministry of Local Government before they can become operative. Any act of DA which the government considers to be irreconcilable with the law is declared illegal. This procedure has been used to set aside certain decisions of the DAs, even where they were in the interest of their communities. Moreover, the central government has the power to dissolve the DAs and replace them with interim management committees (a power that has been used four times since 1989) without consulting the local people who elected the majority of the DA members.

The DAs are designated District Planning Authorities (DPAs) while the District Planning and Co-ordinating Units (DPCUs) integrate and co-ordinate the district sectoral plans into long, medium and short term plans. After two public hearings of the plan both at the sub-district and district levels the plan is forwarded to the Regional Co-ordinating Council (RCC) for harmonization with plans of other districts within the region. The plans are then sent to the National Development Planning Commission (NDPC), which is given the responsibility for harmonising national/sectoral policies and guidelines for the preparation of development plans at the local level. The discretionary power granted the NDPC to approve plans in accordance with national development goals may defeat the decentralized and participatory aspect of the planning system. This is because there is the tendency on the part of the NDPC to impose plans on the DAs and thereby control them rather than acting in a purely advisory capacity. In spite of the stipulation that the DAs conduct plan hearings at both district and sub-district levels. None has been conducted, while the DAs have been given up to April 12, 1996 to submit their plans to the NDPC through the RCC. The order by both the Ministry of Local Government and NDPC undermines the participatory and decentralized nature of the planning system and reinforces the top-down heaviness and centralized character of planning in Ghana since independence. One should not, however, lose sight of the fact that a planning system is frequently seen as a mechanism for retaining some central influence while permitting considerable local discretion. This is in theory rather the practice in Ghana.

Resource Allocation

Given the substantial dependence of the DAs on central funding, resource allocation procedures are vital in affecting the degree of local autonomy and the extent to which the local level can adapt national policies to suit local preferences. Although by 1992 district treasuries had been set up, the idea of a district composite budget remained a fiction so long as the Ministry of Finance refused to relinquish control to the DAs. Indeed, central

financial control over capital spending and official payments had become tighter as a result of structural adjustment. Perhaps even more importantly, the DAs' subordinate staff were not fully at their disposal. The districts had been given strict instructions on manning levels by the Office of the Head of the Civil Service (OHCS), and the districts were not permitted to recruit without permission from the OHCS and the Ministry of Finance. Even the transfer of a grade 1 typist had to be done through the civil service machinery.²⁹ DA members often made efforts to participate in policy-making and in the monitoring of policy implementation and expenditure control. This was most evident in the proceedings of the executive committees and their subcommittees. The full DAs themselves often generated lively exchanges as well, but the end results were frustration and an inability on the part of members to follow up committee decisions.

The major problem in the DAs was management of the budget, in both its revenue and expenditure aspects. Revenue estimates were routinely so overoptimistic as to be incapable of fulfilment, with shortfalls between 200 to 400 per cent. The lack of revenue meant that in practice expenditure decisions were often made on an informal basis. With regard to expenditures, there were virtually no day-to-day controls for ensuring that expenditures conformed to budget estimates. Before the introduction of the DACF in 1993, recurrent expenditure of all the DAs accounted for between 85 and 87 per cent of their spending.³⁰ Much of it went into administrative costs, including official travel and transport, entertainment and the costs of decentralization reform itself: constructing or improving offices, providing housing accommodation for government staff and underwriting the expenses of the DAs and their communities. Some of these costs did not fall within the development budget at all but rather on "other administrative costs", including official entertainment. Richard Crook has pointed out that in the East Mamprusi DA in the Northern Region, the amount spent on official vehicles, travel and transport and entertainment in 1991 was four times greater than the whole development budget. The DAs generally fell far short of both their general and specific statutory functions. This was particularly true in respect of their duties to provide and maintain water, roads, electricity, sanitation and schools. Moreover, as Crook³¹ has emphasized "even services and projects that were provided did not respond closely to popular conceptions of needs, and were therefore not highly valued by the public". Although no controls exist for the allocation of recurrent funds, specific central approval is required for major capital expenditures.

²⁹ *Crook* (note 1).

³⁰ *Ayee*, 1994 (note 1).

³¹ *Crook* (note 1), p. 354.

Interagency and Intersectoral Co-ordination

The linkages between the different levels and institutions have not been well established. The intended placement of 22 departments and organizations under the DAs, to promote functional specialization and technical expertise, has been fraught with difficulties. The personnel, who are central government employees, depend on their mother ministries and organizations for practically all resources needed for running of their departments in their districts. This has created problems of double allegiance. The original 22 departments are, however, replaced by 16, 13 and 11 departments under the Metropolitan, Municipal and District Assemblies respectively with the coming into force of a Legislative Instrument (LI) to be enacted by the Ministry of Local Government. Even then the more limited deconcentration would still not resolve the question of double allegiance which ultimately hinges on the question of who hires and fires the staff of the decentralized institutions.

Certain services have been deconcentrated to the districts. They are the Immigration, Police, Customs, Excise and Preventive, Internal Revenue, Prison, National Fire and Education Services. Although the Services do not come directly under the umbrella of the DAs, they help in the general governance of the districts. And yet there has been poor co-ordination between the Services and the DAs, which often lead to conflict. This is the result of lack of proper definition of roles.

There is a grey area in functional relationship between the RCCs and the DAs. The Local Government Act (Act 462, 1993) gives autonomy to the DAs in a manner that seeks to create the impression that the role of the RCC is to be de-emphasized. Yet when it comes to spelling out the functions of the RCC the same Act makes the RCC responsible for monitoring, co-ordinating and evaluating of the performance of the DAs in the region. This raises the issue of competence of both the DAs and RCC. Autonomous local government is more likely to work at a very local and correspondingly modest level, concentrating on small-scale projects and services. The larger infrastructural developments (secondary schools, water and roads) would be better provided by well-funded regional authorities which in the Ghanaian context at least had always been the most effective levels of close administration until the DA reform attempted to bypass them. De-emphasizing the region and giving greater autonomy to the district could be considered politically prudent but from the managerial point of view this may not be quite rational, since the district lacks the resources to be able to perform functions assigned to it. Also, the vertical linkage between the DA and the sub-structures is very weak. The linkage is exercised more in the person of a DA member than in the form of an institutional linkage.

The role of the Ministry of Local Government (MLG) in the whole decentralization programme needs to be stressed. The MLG functions as a Local Government Secretariat under the Office of the President. Essentially, it is involved in political issues, like the

President's appointment of 30 % of members of the DAs, appointment of DCEs, establishing DAs and monitoring and evaluating them. Seen in this way, the MLG has considerable control and leverage over the DAs. It is the nerve centre of the government's control mechanisms of the DAs. It issues guidelines to the DAs and approves their bye-laws before they are enforced.

Financial accountability is ensured through regular auditing of DA account. However, DA accounts have shown gross embezzlement and Misappropriation as indicated in the report of the Auditor General. This is mainly due to low calibre of accounting personnel in most districts and the MLG itself. Most accounting staff at the district level are book-keepers while Local Government Inspectors of the MLG, who are to check financial malpractices lack the expertise to do so.

Choice of Device Used to Decentralize Power

Chapter 20 of the 1992 Constitution, "Decentralization and Local Government", stipulates that there should be a decentralized system of administration in which functions, powers, responsibilities and resources should be transferred from the central government to local government units, called District Assemblies (DAs). Viewed in this way, there is a provision for a proper balance of power relationships between the central government and the structures below it. However, there appears to have been a gap between the theory and practice of decentralization. There is also a contradiction between the centralizing features of decentralization and the government's portrayal of the decentralization programme as a manifestation of its commitment to participatory democracy and the grant of power to the people.

The legal framework for decentralization is provided by the following: (i) Chapters 8 and 20 of the 1992 Constitution; (ii) PNDC Law 207, 1988, which has been repealed by the Local Government Act (Act 462), 1993; (iii) the Civil Service Law (PNDCL 327), 1993; (iv) Legislative Instrument (LI) 1514, which has been replaced by LI 1589, 1994; (v) LIs of 1988/89 creating the 110 DAs; (VI) the National Development Planning Commission Act (Act 479), 1994; (vii) the National Development Planning (System) Act (Act 480), 1994; and (viii) District Assemblies' Common Fund Act (Act 455), 1993.

In addition to these, there are five administrative regulations, viz., (i) Financial Memorandum (Section 81 of Local Government Act [Act 54], 1961); (ii) Financial Administrative Decree (FAD), SMCD 221, 1979; (iii) Financial Administration Regulation (FAR), LI 1234; (iv) bye-laws of the 110 DAs; (v) LIs of the Ministry of Local Government; (vi) Model Standing Orders for District, Municipal and Metropolitan Assemblies, 1994. Thus, unlike most countries, the division of powers in Ghana between the central govern-

ment and sub-national governments is embodied in constitutional provisions as well as ordinary legislation.

The unusual incorporation of decentralization clauses in the Constitution gives them exceptional prestige, signifying their recognition as fundamental rights. However, constitutional provisions are by no means guarantees for a harmonious and equal intergovernmental relations.

Conclusion: Implications for Relocating Government Administration

The relationship between the central government and the DAs in Ghana is basically one between a superior and subordinates rather than one of partnership and reciprocity. Central control over decentralized units is important in a number of ways. It guards against the disintegration of government machinery, conserves national unity, and maintains the supremacy of the central government. In a unitary state, like Ghana, districts remain in an integral part of the machinery of the central government, and so their powers and functions are subject to the overriding authority of the centre. Such direction and control are necessary to harmonize the activities of the decentralized units with the political purposes of the government. It often happens that the interest of the people is projected as the driving force behind central control over local government units. Thus the fear that the DAs might infringe their people's economic and civil liberties in raising revenue, passing bye-laws and pursuing general development activities partly underlines the need for central government to limit the exercise of their powers. This is particularly important in a country such as Ghana where democratic practice or ethos have not yet taken root. Central control therefore over local government units is not necessarily evil. It becomes evil, however, when it forsakes its proper sphere of constructive control and meddles with the details of local government processes.

In a unitary state local government units will never be independent from the central government. Decentralization will be a question of degree and type of autonomy. One distinction which is commonly made in this respect is the distinction between local control over means and local control over goals.³² In the case of Ghana the local control over means is definitely low. The paper has shown that the central government has very tight control over finances, manpower and technical and managerial expertise. The simple fact that the whole administrative and technical apparatus on which the DAs are supposed to rely for implementing their policies is composed of deconcentrated element of the central government machinery serves to underscore this fact.

³² *Smith* (note 11); *Conyers, D.A.*, Decentralization and Development: A framework for Analysis, *Community Development Journal*, 21, 2 (1986), pp. 88-100; *Rondinelli* (note 12).

It may be more disputable to what extent central government also exerts strong control over the goal formulation of the DAs. Formally, the DAs have wide powers to decide on goals. This is, however, a power which is basically restricted to a freedom to formulate priorities and planning proposals to be submitted to higher level authorities within the framework of the national planning system. It is a right to participate in influencing the formulation of the national goals more than a power to decide on the actual goals for local development. Whatever input the DAs provide into the national system is supposed to be harmonized by central government authorities, like the National Development Planning Commission (NDPC) into a national plan. An equally important role of the DAs within this framework is to serve as the local implementors of this comprehensive national plan at the local level once it has been developed. More generally, the legislation is very clear, both in its form and in its intentions, on putting the DAs under obligation to serve as instruments for implementing national goals. Viewed in this perspective the over all assessment will have to be that also the real power to decide on goals is highly restricted.

The DAs by their functions, responsibilities and relationship with the central government are not self-governing bodies. Rather the self-governing bodies are local branches of some of the non-governmental organizations (NGOs) and Sasakawa Global 2000. They operate to supplement the efforts of the DAs and the government. The NGOs have a rural focus and have assumed an increasingly important role in the process of service delivery and institutionalization. They have provided water, clinics, latrines and schools to vulnerable communities in the districts.

Donor agencies, such as the World Bank, Canadian International Development Agency (CIDA), Overseas Development Administration (ODA), World Health Organization (WHO), European Union (EU) and United Nations Development Programme (UNDP) have assisted in areas of infrastructure programmes and capacity building. For example, the World Bank supports the most urbanized district infrastructure programmes. CIDA and the EU, on the other hand, through their funds for local initiative have provided assistance for basic needs to the DAs in the form of support for schools, clinics, water, latrine construction and income generating activities. The presence of donors in the districts have created legitimacy problems for the government because of the possibility of local people mistakenly crediting NGOs for every project.

In the conceptual discussion of decentralization, scholars have drawn a distinction between positive and negative autonomy. Autonomy in the negative sense means that the local community has an interest in "protecting" itself from central influence and "penetration". This is a defensive form of autonomy. It may be based on, for example, a felt need to protect local culture or local economy from outside pressure and influence. Autonomy taken in the positive sense, on the other hand, means that the problem confronting the local community is not so much its ability to cut itself off from the outside world and live its own

life, as it is the question of capacity – or lack of capacity – to get access to the centre's resources and to influence its environment.³³

The Ghanaian system of decentralization is quite clearly based on the assumption that decentralization is all about positive autonomy. The formal design and the political rhetoric of the system focus on enabling the local communities to participate in the national decision making system. It is also a system which is quite clearly designed so as to facilitate the diffusion of goods and values from the central to local level. It is, in short, a system which seems to be based on the idea that development depends on central distribution of goods and resources. In this perspective the main problem confronting local communities is perceived of as that of getting access to the central level.

This perspective is further underscored by mechanisms in the system clearly aiming at preventing local actors from exercising negative autonomy, that is, to cut the local community off from national governance. Generally, the system of decentralization as it is designed in Ghana is as much a system for penetrating traditional local structure and integrating them into a national process of modernization as it is a system for local influence on national policies. If decentralization in Ghana is to be assessed on its own merits, and in view of its own objectives, it has to be assessed as a system for facilitating positive autonomy, not as a framework for asserting local freedom in the sense of providing a framework for "localism". The latter is something which the system quite clearly aims at preventing. The DAs continue to operate within a structure of central political, administrative and financial controls of a quite fundamental kind. It is not for want of trying that DA members are unable to challenge the power of the DCEs or the Ministry of Finance and the civil service hierarchies.

The Ghanaian decentralization programme has been described as ambitious and ambivalent. As decentralization of the "machinery of government", as it is frequently referred to, it is ambitious. As decentralization in the sense of really delegating power to locally rooted institutions it is at best ambivalent, imposing so many control mechanism and holding back so many resources that would be needed to actually operate the system locally, that it amounts to subverting the system altogether. Are these two features of the decentralization programme interrelated? It may be that the ambitions concerning the scope of activities and functions to be moved from central to local level is actually so big that it becomes unrealistic to let locally based institutions take control over them. Particularly in a country

³³ *Cheema, G.S./Rondinelli, D.A.*, Decentralization and Development: Policy Implementation in Developing Countries, Beverly Hill, 1983; *Smith* (note 11); *Conyers* (note 29); *Wunsch, J.S.*, Institutional Analysis and Decentralization: Developing and Analytical Framework for Effective Third World Administrative Reform, *Public Administration and Development*, 11 (1991), pp. 431-451.

with weakly developed common political norms and a weak democratic tradition the more fundamental need to preserve national unity (irrespective of the type of regime) might take it risky to create local bodies with the real powers which are indicated in the more programmatic phrases of the decentralization policy. Perhaps decentralization in more real terms would have benefited from a less ambitious decentralization programme which, on the other hand, could have left more real autonomy to the local level concerning those tasks and responsibilities which were actually given to them.

ABSTRACTS

The Fate of the International Treaties of the GDR within the Framework of Establishing German Unity

By *Dieter Papenfuß*

State succession to treaties is a highly disputed field in the international law. The adoption of the treaties of the German Democratic Republic (GDR) by the united Germany was a delicate issue in the negotiations of the internal aspects (unification treaty with the GDR of 31 August 1990) and the external aspects (2+4 treaty with the two Germanys and the four Powers) establishing the German unity. The unification treaty is based in the understanding that with the accession of the GDR to the Federal Republic of Germany with effect of 3 October 1990 treaties of the Federal Republic of Germany continue to be valid also for the territory of the acceding *Länder* according to the principle of moving treaty boundaries. Concerning the treaties of the GDR, Art. 12 of the unification treaty stipulates that they *"shall be discussed with the contracting parties with a view to regulating or confirming their continued application, adjustment or expiry"*, taking into account protection of confidence, the interests of the states concerned, the treaty obligations of the Federal Republic of Germany as well as the principles of a free democratic basic order governed by the rule of law, and respecting the competence of the European communities.

The unanimous consultations with the contracting parties of the internal treaties concluded by the GDR proved that most (more than 80%) of the treaties of the GDR could be determined and published as expired with the establishment of German unity on 3 October 1990 according to customary international law due to the moving frontier rule and changed circumstances. United Germany is continuing negotiations on the remaining treaties of the GDR to replace them with treaties if new adjusted instruments where necessary.

Intergovernmental Relations in Ghana, 1988-1995

By *Joseph R.A. Ayee*

Ghana's decentralization programme, launched under the erstwhile Provisional National Defence Council (PNDC) while implementing a Structural Adjustment Programme (SAP) in 1988, was to promote popular participation, efficiency, effectiveness, accountability,

responsiveness, stability and issues of development. In other words, the policy objectives of the decentralization programme were geared towards both political and administrative decentralization. The objectives of the programme have not been realized mainly because of the uneven distribution of power relationships and distribution of tasks between the central government and the District Assemblies (DAs) – local government units. The relationship has, therefore, become inappropriate to the nurturing of independent local government units in Ghana.

The paper examines central-local government relations in Ghana and their implications for relocating government administration. Specifically, it emphasizes the political nature of the relationships and focuses on substantive policies, especially financial issues, such as who raises what amount and who spends it for whose benefit with what results. The paper argues that subnational governments, if they should have any political credibility and legitimacy, must have some measure of independence in the level of revenue they raise, the choice of public goods on which to spend it and the capacity to "hire and fire" staff.

An evaluation of the nature of intergovernmental relations in Ghana and the degree of autonomy that should be given to local management of resources will be based on four indicators:

- (i) choice of levels;
- (ii) choice of decentralized authority;
- (iii) choice of tasks to decentralize; and
- (iv) choice of device used to decentralize power.

Lean management–Reforms in Developing Countries in Sub-Saharan Africa

By *Hildegard Lingnau*

Public administrations often represent a major obstacle to development in developing countries in Sub-Saharan Africa. The analysis of public administration reforms in Benin and Uganda shows that public administration reforms are both necessary and feasible. For reforms to be successful, they require the commitment of a reform-oriented government and a comprehensive approach to overcome structural dysfunctionality. Reform- and development-oriented governments of developing countries like Uganda give an impressive picture of how imaginative public administration reforms can be implemented effectively. If, in contrast, it is not possible to break the dominance of self-enriching ruling classes and to restrict their power, perceptible improvements have yet to occur, as is the case in Benin. The new public management debate and the lean management reform concept in particular offer important starting points and instruments for necessary reform projects and respective support measures in the framework of development cooperation.