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APPOINTMENT OF MEMBERS AND CHIEF EXECUTIVES OF METROPOLITAN/MUNICIPAL/DISTRICT ASSEMBLIES IN GHANA

■ Introduction

Ghana embarked on a major program of decentralization under PNDC Law 207 about three decades ago with the District/Municipal and Metropolitan Assemblies (MMDAs) as the focus of local government. The system was subsequently incorporated into the 1992 Constitution under Chapter 20 and rules elaborated in the Local Government Act, 1993 (Act 462) which has recently been replaced by Local Government Act, 2016 (Act 936). Under this system of decentralized local government, power, authority and responsibility were to be transferred from the central government to the sub-national levels of government. This was principally to promote popular participation, transparency, accountability and responsiveness in local government as well as efficiency and effectiveness in local government administration. The Constitution grants the President the power to appoint all Municipal/Metropolitan/District Chief Executives (MMDCEs) currently standing at 216 officers and 30 percent of all members of the assembly. The other 70 percent members of the assembly are elected in non-partisan elections. The appointment process is replete with democratic elements and very key to promoting credible political decentralization—that engenders political accountability, popular participation, legitimacy of local government and development.

As part of the Center's commitment to promoting effective decentralization and democratic governance,

it has been monitoring the appointment processes for MMDCEs and members of the Assembly. In 2005, the Center assessed the appointment processes of MMDCEs and not more than 30% of the members of the Assembly¹. In the Center's assessments, it was established that the appointment processes were characterised by circumvention of laid-down rules, and, often, violence and bribery allegations. Additionally, anecdotal evidence and media reports hinted at a continuation of these unfortunate practices in the appointment processes under the Mills and the Mahama administrations in 2009 and 2013 respectively.

This briefing paper shares the findings of a study undertaken to ascertain **the quality of the appointment processes- in terms of transparency in the consultation process; independence enjoyed by the District Assembly in the approval and integrity of the process, as well as progress that has been made and or identify continuing deficiencies in the process.** Specifically, this briefing assesses the appointment processes of the Chief Executives and not more than 30% members of the Assembly in selected Assemblies and analyses the extent to which it was done in conformity with the letter and spirit of the law and constitution, particularly its consistency with democratic governance norms.

¹ Read detailed assessment by the Ghana Center for emocratic Development on the approval of MMDCEs under the Kufuor's regime in Democracy Watch No. 20 (Vol. 6 No. 2) June 2005.

■ M/M/DCE and Assembly Member Nomination and Appointment: Rationale and Procedures

The procedures for the appointment of MMDCEs as well as a third of the Assembly members were designed to achieve two separate objectives in the new local government system: deepening the democratic content of governance at the local level (promote political inclusiveness) and, at the same time, ensure the effectiveness and efficiency of local administration. Part of the rationale for giving the president the powers to appoint a third of the members of the Assembly was to ensure the closure of some of the gaps in technical competence and representation (especially, ethnic and other social minorities) that may have resulted from the election.

To facilitate that objective, the Constitution has specified the processes and rules to be followed:

- First, the constitution obliges the President to consult with traditional authorities and interest groups in the district in the making of the appointments, according to Article 242(d)
- Second, in respect of appointee MMDCEs, a person nominated by the president requires the 'prior approval of not less than two-thirds majority of members of the Assembly present and voting,' per Article 243 of the Constitution.
- Third, in the instance where the President's MMDCE nominee fails to secure the required two-thirds of members of the Assembly present and voting, they shall be eligible for second ballot within ten days if they were able to win 50% of the votes from the first ballot. However, when they fail to win two-thirds majority at the second ballot, the President is required to withdraw their nomination. Again, the President is required to withdraw any nominee who fails to secure 50% of the votes at any time in the approval process².

■ Methodology

The study was carried out in five regions of the country; Ashanti, Volta, Greater Accra, Brong Ahafo and Upper East. Fifteen District Assemblies were purposively selected—three from each of the five regions on the following basis: degree of competitiveness or non-competitiveness (party stronghold/safe seat, per the performance of the National Democratic Congress (NDC) and New Patriotic Party (NPP) - in the past three parliamentary elections (2008, 2012 and 2016); and a mix of metropolitan, municipal and district assemblies. The selection of competitive and non-competitive districts was to help monitor and examine the dynamics in the consultations and approval processes with respect to strongholds of the ruling party and the main opposition party as well as the competitive districts. In addition, primary data was collected in all the fifteen districts³.

■ Findings

In the following sections, we analyse the extent to which the nomination and appointment of one third of Assembly members and Chief Executives of M/M/DAs conformed to the letter and spirit of the constitution and laws as well as principles of democratic governance and effective decentralization.

The Consultation Processes

The consultation with stakeholders in the districts involved traditional authorities, civil society organizations (CSOs), religious associations and other professional bodies. Notably, the consultations lacked transparency in terms of how and when they were carried out. In districts where consultations took place, they were done discretely in face-to-face meetings with government representatives or party executives. Therefore, it was difficult to independently verify the quality of interactions that took place whenever and wherever they happened.

² Part 4, Section 16 of the Model Standing Orders for District Municipal and Metropolitan Assemblies, Ministry of Local Government and Rural Development, specifies all the rules to be followed in the approval of MMDCEs at the Assembly.

³ The primary data collection involved administration of questionnaire and observation of the approval processes in all the fifteen districts. Research assistants were trained to administer questionnaire to respondents purposively selected from traditional authorities, political parties and identifiable interest groups or stakeholders in the various districts. In addition, trained observers directly observed the approval of the President's nominees for the MMDCEs in all the fifteen districts.

Consultation with Traditional Authorities

The recognition given to traditional authorities in the appointment processes is a measure of their relevance to local government administration. In the wisdom of the drafters of the constitution, involvement of traditional authorities may not only provide useful suggestions for selecting quality leadership but also give legitimacy to political leadership at the local level. Traditional authorities were partially consulted in the appointment of MMDCEs. In three-fifth of the districts, traditional authorities confirmed that they were consulted in the nomination processes. Among those who were consulted, one person indicated that he was consulted after the nomination of the MMDCE. Generally, majority of the consultations were made with traditional councils followed by paramount chiefs and divisional chiefs respectively.

Generally, there are no rules or guidelines determining how the consultations should be done. The process was, therefore, left to the discretion of the three-member committee set up by the ruling party as to how and who to consult. Accordingly, the consultations appeared to be selective and difficult to monitor.

Consultation with Interest Groups

The input and participation of various interest groups in the appointment of MMDCEs is expected to promote effective and quality leadership at the district level. Again, the involvement of interest groups enhances the legitimacy of local government since these groups represent the broader interest and aspirations of various segments of society at the local level. Unfortunately, in most cases, the government conveniently sidelined interest groups in the nomination of MMDCEs.

In a majority of nine out of fifteen districts, interest groups were not consulted in the nomination of the MMDCEs. In six districts where interest groups were consulted, religious groups and CSOs who were consulted constituted a quarter of the districts while

professional associations and PWDs were consulted in just one-fifth of the districts.

Consultations with Political Parties

The study established that no opposition political party was consulted in the nomination of MMDCEs in the various districts. In contrast, the ruling party confirmed they were consulted in all the districts in the appointment processes. Though by law the Assembly should be non-partisan; in reality, it is characterized by high partisanship. Therefore, it is unsurprising that no opposition political party was not consulted in the process. However, this practice undermines the consensus building across the political divide in local government.

■ **The Role of the Ruling Party in the Appointment Process**

The ruling party appeared to be pivotal in the appointment of MMDCE nominees in the various districts. Apparently, the modalities for vetting and selection of qualified MMDCE nominees at the district level was the exclusive preserve of the ruling party. The vetting of nominees was conducted at three different levels. First, nominees were vetted and shortlisted to three candidates at the district level by a three-member Committee whose membership was purely partisan. The shortlisted candidates were submitted to a Committee at the regional level for further vetting and inputs. The list of candidates from the various regions were forwarded to the President's Committee set at the national level for final vetting and selection⁴. The internal vetting by the ruling party was used as a mechanism for screening and selection of nominees for particular districts.

The selection of nominees was highly partisan and one needed to be seen as having strong commitment and loyalty to the ruling party. In the view of John Boadu, the then Acting General Secretary of the NPP who doubled as the National Organizer, the overriding

⁴ The President's Committee for the selection of MMDCE nominees from the various district was established at the National headquarters to vet candidates. The Committee was chaired by Peter MacManu, the NPP's Campaign director for the 2016 General elections.

criterion for the selection of MMDCEs is loyalty to the party. As he puts it, “loyalty is key... and it is one of the main criteria”⁵.

The demand for the selection of MMDCE nominees based on loyalty marred the appointment process with some unfortunate agitations. For instance, in Salevugu-Nanton Municipal Assembly, the MCE, Hajia Ayishetu Seidu encountered a series of protests from party members even after securing the constitutionally required two-thirds approval from the Assembly. According to those party members, Hajia Ayishetu failed to campaign for the party in the constituency during the 2016 General Elections and, as such, was considered as disloyal⁶. The demand for loyalty undermines the quest for effective and quality leadership that can be realized in a political institutional framework that balances merit and competence with loyalty, rather than just loyalty.

■ Selection of Government Appointees to the District Assembly

The constitution enjoins the President to appoint not more than 30% of the members of the District Assembly with the aim of promoting technical expertise or specialized experience in the Assembly. In the spirit of the constitution, this would not only equip the Assembly with varied expertise and competences, but also provide opportunity for the representation of under-represented groups such as women, youth, ethnic and religious minorities in the Assembly.

The study found that government appointees to the Assembly had been appointed in all sampled districts prior to the approval of MMDCE nominees. Groups such as religious associations, persons with disabilities, women associations, farmers’ associations, civil society organizations, traditional authorities and traders’ associations were consulted in two-fifths of

the districts. Thus, in the majority of the cases, interest groups indicated they were not consulted.

Though the constitution does not state the time period for the appointment of a maximum of 30% members of the Assembly. Yet, in all the sampled districts, the Assembly members were appointed before the approval of MMDCEs. This seems quite commendable as it indicates the government’s effectiveness in constituting the Assembly. However, it appeared the Assembly members were appointed for instrumental purposes- with the expectation that they would support the approval of any nominee selected by the President.

Revocation of Appointment of the Government Appointees

The constitution grants the President the power to revoke the appointment of government appointees of the District Assembly, but subject to the recommendation of three-fourths of members of the Assembly on grounds that they have either: neglected their duties, committed acts incompatible with their office for which sufficient evidence is available, or ‘upon a complaint made of wrong doing or improper conduct established to be true after investigation by the ad-hoc committee of the District Assembly’⁷.

The laid-down procedures for the revocation of appointment of the government appointees to the District Assembly was clearly violated. The study found that, in Tano South District, three government appointees were sacked a few hours to the second round of the approval, on suspicion that they did not vote for the DCE nominee during the first round. Again, all twenty-one government appointees in Ejisu Juaben Municipality were sacked a day ahead of the next approval following their failure to support the MCE nominee to get the required two-thirds majority. In these dismissal incidents, there was no regard for laid-

⁵ In reaction to the hullabaloo that engulfed the appointment of MMDCEs in 2017, the Acting General Secretary of the New Patriotic Party (NPP) sought to clarify some of the key issues considered by the ruling party in the vetting of nominees. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/MMDCE-appointments-Loyalty-is-key-John-Boadu-510013>

⁶ See <http://mynewsgh.com/embattled-savelugu-municipal-chief-executive-not-npp-mp/> Abdul-Samed Gunu, MP for Savelugu Nanton justified the actions of his party members by indicating that, the MCE should have participated in the party’s campaign if she had the intention of holding a position in the party.

⁷ See section 10, paragraph 9 of the Local Government Act, 2016, Act 936 for details on the procedures to be followed in revoking the appointment of Appointed Members of the District Assembly.

down provisions of the law (as stipulated in section 10 under the Local Government Act).

While these dismissals are viewed as reprehensible, its continuous practice underscores some patronage advantage to the ruling party- a common scheme by both the NDC and the NPP governments under the Fourth Republic. The study found that in districts (Kassena Nankana East, Ejisu Juaben and Tano South) where government appointees had been dismissed (after the first round) and subsequently replaced, nominees were able to obtain the higher approval rates during the second round.

■ Approval of MMDCE Nominees

The approval of MMDCEs is a public event and usually attracts the interested public as well as top government officials. The process involves giving prior notice to all electors (i.e., Assembly Members) of the venue and time that the approval takes place. In four-fifths of the sampled districts, Assembly members were given at least one week notice while a fifth were given three days' notice before the day of approval. This gave majority of electorates ample time to prepare for the approval processes.

Before voting begins, nominees are given the opportunity to share their visions for their districts with electors. In addition, government officials present are allowed to share their message with electors which usually turns into encouraging Assembly members to throw their support behind MMDCE nominees.

The relative success of nominees getting approval does not depend on whether it is the stronghold of the ruling party nor the opposition's stronghold; rather, the nominee's ability to quell internal party bickering⁸ is crucial.

Table 1, nominees in eleven out of fifteen districts got approval during the first round of voting while four failed to obtain the required approval rate. The approval rate does not differ from the ruling party's stronghold nor opposition's stronghold nor a swing area. For instance, in Ketu South and Ashaiman which represent the opposition party's (NDC) strongholds, MMDCE nominees were approved at 95 percent and 100%, respectively, similar to the approval ratings in Mampong and Sunyani, strongholds of the ruling NPP. On the other hand, nominees were rejected from the respective strongholds of both the NPP and the NDC (refer to Table 1 for the first round of approval rates for Ejisu Juaben Municipal and the Builsa North districts which represent the strongholds of the NPP and NDC, respectively).

■ PROGRESS SO FAR

The appointment processes chronicled another occurrence of continuous breach of laid-down procedures guiding the appointment of MMDCEs and 30 percent of the members of the District Assembly. Similar to the previous administrations (Kufuor, Mills and Mahama), the deliberate sidelining of some traditional authorities in the consultation process resulted in another media confrontation between the aggrieved traditional authorities and the appointing authority. Again, as no departure from previous

Table 1. Approval Rate of MMDCEs in Fifteen Districts

District	Lekiokuku-Kronor Municipal	Sunyani Municipal	Nkwanta North District	Ashaiman Municipal	Mampong Municipal	Atebubu Amanin District	Tema Metropolitan	Ketu South Municipal	Krachi West District	Ahafo Ano North	Builsa North District	Kassena Nankana East Municipal	Ejisu Juaben Municipal	Tano South District	Bontu Municipal
% of First Round Approval	100	100	100	100	100	100	98	95	94	85	70	66	58	51	56
% of Second Round Approval												94	98	77	82

⁸ It was commonplace to hear allegations against high level government appointees, members of parliament and party officials in the media of attempts to surreptitiously get nominees disapproved. For instance, Mr. Peter Amewu, Minister for Lands and Natural Resources cautioned NPP members to stop working against the approval of nominees. See <http://www.myjoyonline.com/politics/2017/may-16th/stop-working-against-presidents-mmdce-nominees-lands-minister-pleads.php>. Dr. Ziblim Iddi, Member of Parliament for Gushiegu constituency had been accused of sabotaging the approval of the DCE nominee. See <http://citifmonline.com/2017/05/16/mp-allegedly-pays-ghc700-to-sabotage-gushiegu-dce-nominee/>

administrations, the laid-down procedures for the revocation of appointment of government appointees to the Assembly were circumvented- with no resistance from the public or civil society.

Other violent acts such as destruction of party properties, government properties and violent demonstrations from aggrieved supporters of the ruling party were widespread during the appointment process. Several instances of bribery allegations and backbiting against internal party members also deserve mention.

■ Conclusion

The 2017 appointment process of MMDCEs was of poor quality: the consultations lacked transparency, clarity and formality; the approval process was characterized by summary dismissal of government appointees without recourse to laid-down rules; incidents of bribery allegation against nominees and party members, and violence were widespread.

The laid-down rules and procedures for the appointment of MMDCEs and the thirty percent (30%) appointees to the Assembly were partially followed through. The consultations with stakeholders were largely inadequate, with an over-bearing role by the ruling party in the entire process.

The government appointees, at the very least, were expected to show loyalty to the government by supporting MMDCE nominees in their respective districts. As a result, an appointee whose loyalty was questionable (implicit in disapproval of MMDCE nominees) was immediately withdrawn from the Assembly. In instances where government appointees were sacked, the government appointed new appointees without due regard to the law.

However, it is significant to note that the approval of MMDCE nominees did not mirror the partisan alignment in the various districts. Approval and rejection of nominees occurred in both the strongholds of the ruling party and the opposition party. Quite

puzzling, party members and government officials within the ruling party were accused of allegedly masterminding disapproval of MMDCE nominees.

■ Recommendations

Given the clear abuse of the constitutional provisions in the appointment of MMDCEs and thirty (30) percent of assembly members, there is a need for various stakeholders on decentralization to consider strengthening legislation and implement other policy measures outlined below.

Need for Regulations to Guide the Appointment of the Assembly Members

There must be regulations to ensure that the categories of individuals to be appointed as government appointees to the Assembly are clearly stated. In addition, the names of the appointees should be published along with their credentials as a means of promoting transparency in the process. This would help promote inclusiveness and expertise in the Assembly as envisioned by the framers of the constitution.

Sanctions for Non-Compliance Must be Stated Clearly

Sanctions for violating the rules and procedures guiding the appointment processes must be clearly stated and enforced. Thus, the need for more citizen interest litigations and proactive role of the Commission of Human Rights and Administrative Justice to hold government to account for breaches of stated laws and due process.

Need for More Education

There should be a conscious attempt to educate citizens and party supporters on the constitutional requirements in the appointments of MMDCEs. This would help address the protests and agitations of party supporters, which are usually driven by the lack of understanding of the constitutional processes.

Non-Partisan MMDCE Elections

The government should make the MMDCE position elective since the majority of Ghanaians are increasingly disapproving the current mode of

appointing MMDCEs. The preference for non-partisan MMDCE elections has increased from 60% in 2008 to 69% in 2017⁹. Again, a slim majority of 51% of Ghanaians stated their preference for non-partisan district assembly elections¹⁰.

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⁸ In the Round 7 of the Afrobarometer survey which was carried out in Ghana in 2017, Ghanaians were asked whether MMDCEs should be elected by voters in their locality or continue to be appointed by the President with approval by assembly members. See <http://www.afrobarometer.org/about> to read more about Afrobarometer

⁹ Ibid

- **CDD-Ghana Briefing Papers are generated from commissioned research on topical issues, as well as presentations at roundtable discussions at the Center.**

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