AN ANTI-CORRUPTION AGENDA IN DECENTRALIZATION AND LOCAL GOVERNANCE

Nana

Proposal

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1.   INTRODUCTION AND BACKGROUND

The Government of Ghana (GoG) in 1988 embarked upon a comprehensive decentralization policy and local government reform programme with the aim of establishing an efficient, decentralized government machinery to support participatory development. This was further given a boost by Chapter 20 of the 1992 Constitution. The Constitution by its provisions envisaged a local government system that would responsive to local needs, ensure efficient and effective service delivery and be accountable to its stakeholders – at the national, regional, district and community levels.

The Local Government Act, 1993 (Act 462) provided the political, administrative and fiscal mandates of the Metropolitan, Municipal and District Assemblies (MMDAs) in their areas of jurisdiction. Act 462 seeks to establish decentralized administration through the transfer of authority, functions and competence from the Central Government Ministries, Departments and Agencies (MDAs) to local government (LG) units for improved service delivery to people.   In line with ensuring that the MMDAs have the means to deliver services, not less than 5% of the national revenue is constitutionally mandated for the MMDAs' development initiatives.   This has recently been increased by government to 7.5%. To facilitate balanced development, the government increased the number of MMDAs from 110 to 138 and then to 170 in 2003 and 2008 respectively.

Under the decentralization policy, development is intended to be a shared responsibility of the Central Government, MMDAs, Civil Society Organizations (CSOs), Non-Governmental Organizations (NGOs), the private sector and communities. Therefore, provision has been made for popular participation in development and inter-sectoral and institutional coordination.

The Local Government Act requires the assemblies to collaborate with the various entities indicated above in planning, coordinating and implementing development programmes. Under the National Development Planning Systems Act (Act 480) assemblies are required to undertake public hearings and employ community/bottom-up planning processes to ensure participation, ownership and accountability.

There are various reporting mechanisms from the district level to the national level and the regional coordinating councils are expected to provide technical backstopping, monitoring and evaluation. The assemblies are subject to national legislation and institutions intended to prevent corruption (See Appendix One). Civil society is expected to perform a demand function and to exact accountability from local authorities.

The passage of various financial legislations in 2003 (the Internal Audit Agency Act, the Public Procurement Act and the Financial Administration Act and relevant regulations) intended to strengthen accountability made provision for district level functioning. For instance, an efficient public procurement process is expected to lead

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to a reduction in corrupt practices, better economic performance and an improvement in the quality of life for the people. Effectiveness, probity and accountability require dynamic and functional institutions to undertake activities that will curb corrupt practices.

In spite of these measures, the decentralization process has not been as successful in delivering development to the people as anticipated. Part of the problem has been attributed to the lack of adequate capacity, financial and other resources and the slow pace of fiscal decentralization. However, there are considerable concerns that there is not sufficient accountability for resources transferred to that level and the potential for corruption is great. This has been alluded to in several newspaper accounts and Auditor-General's reports.

Various structures and institutions are provided for under different laws and policies/programmes to facilitate the needed accountability and transparency of MMDAs and minimize corruption, most of these institutions are either inactive at the district level or operates at the pleasure of the leadership of MMDAs.

The weakness of a national crusade against corruption at the central level has led to its absence at the district level. There does not appear to be a national understanding or definition of corruption and inappropriate practices are justified at the local level as "culturally acceptable". A number of key questions arise, including the following:

- What forms and manifestations of corruption have arisen in areas of local governance?
- To what extent have the various provisions for the prevention of corruption and enhancement of accountability worked?
- Which public institutions and civil society entities have a responsibility for/or are engaged in anti-corruption and enhanced accountability activities?
- What have been their achievements and what is the extent and forms of relationships/collaboration between them?
- What have the constraints to their functioning and lessons been?
- In what ways can a stronger deterrent to corruption at the local level of governance be provided?
- How can civil society and community capacity be strengthened to prevent corruption?

In pursuit of answers to these questions and to promote an anti-corruption agenda at the district level, the Ghana Anti-Corruption Coalition is seeking support under this special G-RAP Facility.

2.   CORRUPTION AT THE LOCAL LEVEL: MANIFESTATIONS AND PROVISIONS FOR PREVENTION

The Growth and Poverty Reduction Strategy (GPRS) has this to say on corruption: *Endemic corruption has a debilitating effect upon governance and leads to distortions in policy formulation and implementation. Government has demanded zero tolerance on corruption in both public and private sectors. Action is required on a broad front by both government and civil society.*

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The World Bank defines corrupt and fraudulent practices as follows: Corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.

Fraudulent practice means the misrepresentation or omission of facts in order to influence a procurement process or the execution of a contract to the detriment of (the government) and includes collusive practices among bidders.

Collusive practice means a scheme or arrangement between two or more bidders, with or without the knowledge of (public officials), designed to establish bid prices at artificial, non-competitive levels. There is the need to appreciate that companies need to recover costs and make a profit. What they spend on bribes or kickbacks is a cost to the and that drives them to take steps to recover this cost and maintain a reasonable level of profit, they may either over- charge or under deliver on quality and or quantity.

A critical and potential area of corruption at both national and local is in public procurement, which accounts for between 50% and 70% of our nation's imports, represents 18% and 25% of the country's Gross Domestic Product (GDP) and attracts between 60% and 70% of government expenditure.

Other potential sources of corruption at the local level are
- Lack of transparency in the procurement of goods, works and services
- Mis-management of donor funded programmes
- Corrupt practices in recruitment and human resource management
- Corrupt practices in the collection and accounting of local rates and fees
- Mismanagement of internally generated revenues
- Mismanagement of funds received from the centre
- Mismanagement of assets and
- Efforts to influence assembly members and key functionaries of assemblies

Some efforts have been made by central government at strengthening both national and local government internal controls to reduce corruption. These include:
- The passage of the three financial legislations- The Financial Administration Act, the Public Procurement Act and the Internal Audit Agency Act;
- The Functional Organizational Assessment Tool (FOAT) for assessing district level performance including transparency and accountability standards and the accompanying District Development Fund (DDF) as a performance-based fund.
- The roll-out of composite budgeting to consolidate all the budget headings in MMDAs to minimize areas of potential duplication and corruption.
- The requirement for the creation of Audit Report Implementation Committees (ARIC) by MMDAs under the Audit Service Act; and
- The requirement for Internal Audit Units of MMDAs to produce quarterly report on their activities.

Different actors are also expected to play different roles, namely:

- The Assembly's Finance Committee examines reports of the District Internal Auditor and recommends appropriate (acceptable or correct in given circumstances) action.
- The Internal Audit department at Assemblies are required to produce quarterly Internal Audit Reports to be discussed by the Assembly with the Finance Committee
- The Auditor General examines Annual accounts of Assemblies and reports to Parliament
- The Public Accounts Committee of Parliament also examines the Auditor General's Reports on Local Government and recommends appropriate action. It may recommend recovery of funds, demotion, recruitment of competent staff
- The Serious Fraud Office (SFO) investigates any acts of corruption and abuse of office and causes Prosecution or recovery of monies, stoppage of tenders.

Whilst the country has achieved significant political and administrative decentralization, and planning, Ghana is yet to achieve significant fiscal decentralization at the local level partially because of the fear of inadequate capacity and the effectiveness of appropriate institutions to minimize misuse of funds which may lead to corrupt practices.

Yet not much has been researched about local level corruption and more importantly the efficacy of anti-corruption efforts. The presence and strength of public agencies at that level needs to be established, including those who are members in the Coalition.

The role of civil society in anti-corruption has also not been sufficiently explored. In this regard, the media is expected to educate and inform the public about all governmental programmes and create relevant awareness. Civil Society Organizations (CSOs) are expected to be able to mobilize communities, undertake advocacy, generate and solicit relevant information and demand accountability. In that regard, the HIPC Watch Committees in the project organized by SEND Foundation have been perceived as a widely successful enterprise.

But it is important to establish the nature and manifestations of corruption at the local level and propose what else civil society can do to deter corruption. This is a gap that this project intends to fill.

3.   PROJECT OBJECTIVES

The project is intended to promote anti-corruption activities at the local level through identification of areas of concern, capacities for and ongoing anti-corruption activities, skills-building and advocacy. Specifically, its objectives are to
- Identify the sources and manifestations of local level corruption in selected districts
- Examine perceptions about local level corruption and the levels of awareness on links between corruption and local under-development
- Assess the efficacy of the existing laws, policies and ongoing public initiatives for preventing corruption and ensuring accountability and transparency from assemblies

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- Assess the strength the capacity of district-level offices of national institutions setup to support the fight against corruption
- Examine the current and potential roles of civil society organizations in local level anti-corruption efforts.
- Enhance public awareness of and citizens' responsibility for campaigning against corrupt practices
- Engage in advocacy for enhancing deterrents to district/local level corruption
- Propose interventions that civil society can play/models that can be adopted at the local level.

4. EXPECTED RESULTS, OUTPUTS AND IMPACTS

Amongst others, the expected results are
- Clearer insights into the forms and extent of district/level corruption
- Better appreciation about the links between corruption and under-development amongst local people
- Greater motivation of civil society organizations to work to deter corruption at the district level
- Enhanced capacity of key stakeholders and institutions to promote and engage in anti-corruption campaigns through skills development
- Increased prudence in managing state resources and ensuring equitable access to public services and greater accountability to community groups and the Ghanaian public.

The project will have the following outputs:

- A research report which will include an overview; district level findings; case studies of anti-corruption practice
- Policy briefs on corruption, the state of anti-corruption activities and roles and responsibilities of various parties
- Advocacy materials
- Training and sensitization materials

The intended impacts on nine (9) sets of actors/stakeholders are outlined below.

ACTORS/STAKEHOLDERS	INTENDED IMPACTS
1. Citizens and Communities in Selected Districts	- Increased awareness of legal and institutional provisions to promote anti-corruption and channels for redress - Increased awareness of sources and forms of local level corruption - Increased awareness of the links between local level corruption and local level under-development - Increased awareness of the roles and responsibilities of various parties for anti-corruption activities. - Increased interest in citizens' and community activism for anti-corruption

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2. Ghana Anti-Corruption Coalition	•	Increased store of knowledge and information on corruption and anti-corruption activities particularly at the local level
	•	Strengthened partnerships, network and linkages for anti-corruption activities at the district level
	•	Track record developed in anti-corruption at sub-national levels of governance
3. National Level Public Anti-Corruption Agencies	•	Increased information on manifestations of corruption at the local level
	•	Status, capacities and initiatives of district level branches of their agencies
	•	Lessons learned in particular districts and the potential for consideration for national scale-up
4. District Level Public Agencies in Selected Districts	•	Increased awareness of manifestations of corruption
	•	Enhanced capacity for anti-corruption activities
	•	Improved/strengthened relationships with civil society organizations at the district and national level
	•	Exposure to anti-corruption initiatives in other parts of the country
5. Selected District Assemblies	•	Increased awareness of manifestations of corruption
	•	Increased awareness of the links between corruption and local levels of development
	•	Increased sensitivity to responsibilities for accountability and disclosure
	•	Enhanced capacity for self-regulation for anti-corruption activities
	•	Improved/strengthened relationships with civil society organizations at the district and national level
6. Civil Society in Selected District Assemblies	•	Increased awareness of manifestations of corruption at the district level
	•	Increased awareness of the links between corruption and local levels of development
	•	Enhanced capacity for anti-corruption activities at the district level
	•	Improved/strengthened relationships with civil society organizations at the district and national level
7. Ghana Civil Society and NGO	•	Increased awareness of manifestations

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Community including LOGNET	of corruption at the district level • Increased awareness of efforts at anti-corruption in various districts • Increased recognition of and provisions for anti-corruption activities in their work-plans/ programmes of actions • Enhanced capacity for anti-corruption activities at the district level • Improved/strengthened relationships with anti-corruption agencies
8. Research, Training and Advocacy Institutions with Interest in Decentralization including **National Association of Local Authorities of Ghana (NALAG) and the Institute of Local Government Studies (ILGS)**	• Strengthened partnership with national anti-corruption organizations • Increased store of knowledge and information on local level corruption and anti-corruption activities • Strengthened partnerships, network and linkages for anti-corruption activities at the district level • Enhanced capacity in advocacy for district level anti-corruption and accountability activities • Track record developed in anti-corruption at sub-national levels of governance
9. Ministry of Local Government, Rural Development and Environment, its Departments and Agencies	• Strengthened partnership with national anti-corruption organizations • Increased store of knowledge and information on local level corruption and anti-corruption activities • Increased appreciation of capacities, constraints and capacity limitations of local level agencies for transparent and accountable action • Enhanced awareness of anti-corruption measures to be included in existing performance measures

5. PROJECT DURATION, PROCESS, ACTIVITIES AND WORK-PLAN

5.1 Process and Approach

The project will pursue an action learning approach and will adopt such collaborative and participatory strategies as will facilitate the achievement of the objectives. Such collaboration will enhance the sustainability of the gains of the project.

> The project will be undertaken over an 18 month period, of which twelve (12) months will be devoted to implementation of the main activities and the remaining six (6) devoted to monitoring and follow-up.

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The project will involve twenty-five (25) district assemblies – two in each region, of which one will be rural and the other, urban. The remaining five (5) will involve a mix of metropolitan and municipal assemblies with an effort to ensure appreciable geographical representation.

The project will undertake three sets of activities: research, advocacy and skills development. The details of the different sub-activities in each of the three categories are presented below.

The research activities are intended to establish the nature, extent and manifestations of district level corruption, the efficacy of legal and institutional anti-corruption measures and to map ongoing anti-corruption interventions and innovations at the district level.

The advocacy activities are intended to utilize the findings of the research to inform key stakeholders about the arising issues and the need for anti-corruption interventions and to engage in collaborative efforts to forge an anti-corruption agenda at the sub-national level.

The skills development activities which will consist mainly of training and provision of training kits and informational material, will seek to build the capacities of district level public agencies, community based organizations and civil society entities to implement the anti-corruption agenda at that level.

5.2   Methodology and Partnerships

The project will adopt mainly qualitative approaches. Therefore, secondary review, focus group discussions, case studies and learning and sharing workshops will be used to advantage.

At every stage of the process, partnerships will be sought and developed to sustain the gains of the project. GACC is made up of a wide range of institutions and organizations with different capacities, linkages, experiences in and levels of presence at the district level. Therefore, its membership will be fully involved in the process. However, the Coalition recognizes the importance of collaborating with other agencies with relevant expertise and similar interests who can complement GACC's work and promote the anti-corruption agenda at the district level. **It is of primary importance that the project seeks the collaboration of the participating districts, the anti-corruption agencies and district offices present there, community groups and community-based associations.**

At the national, institutional level, the project recognizes critical work done related areas by the SEND Foundation (HIPC Watch), Institute of Democratic Governance (IDEG's Governance Issues Platforms) and the Ghana Journalist Association's "Business Advocacy at the District Level" with the Business Advocacy Fund (DANIDA-supported) amongst others.

It also acknowledges the recent establishment of the network of civil society, NGOs and research and advocacy organizations with an interest in local governance – LOGNET. Other local government-related networks such as the National Association

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of Local Authorities of Ghana (NALAG) and the Network of Civic Unions (NETCU) are potential allies in an advocacy effort.

GACC is also aware of and has collaborated with the Institute of Local Government Studies (ILGS) which is a public management development and research institution with focus on local governance. These are the partnerships that are to be fostered in the project and are depicted below.

TASKS	ACTIVITIES	KEY PARTNERS
Research	• Literature review and expert group discussions to establish the forms and manifestations of corruption: including FOAT performance assessment results, auditor-general's reports, DACF returns etc • Interviews with expert informants and key public, NGO and civil society institutions to identify good practices and lessons learned in relation to anti-corruption, prevention of fraud practices at the district level • Field studies in selected districts to establish the presence and functioning of various anti-corruption institutions • Field studies to review accountability strategies adopted by non-government and civil society practices • National level interviews with management of anti-corruption institutions • Conduct of regional level validation workshops to explore strategies to deter corruption	• Institute of Local Government Studies (ILGS) • Ministry of Local Government, Rural Development and Environment • Selected District Assemblies • Community-based groups and organizations in selected districts • LOGNET

Advocacy	• Two sub-national anti-corruption workshops to
	   o Disseminate findings of the studies
	   o Strategize for development of an anti-corruption agenda at the sub-national level
	   o Foster ownership and participation in implementation of the agenda
		• LOGNET
		• National Association of Local Authorities of Ghana (NALAG)
		• NETCU
		• The Institute of Local Government Studies (ILGS)
		• Ghana Journalists Association (GJA)
		• Ministry of Local Government, Rural Development and

		Environment (MLGRDE)
	▪ Media Engagement on Findings of the Studies. Workshops and the Way Forward	
Skills Development	• Three zonal training workshops with civil society organizations and representatives of community based organizations on anti-corruption campaign strategies at the district level.	▪ LOGNET ▪ NETCU ▪ National Association of Local Authorities of Ghana (NALAG) ▪ The Institute of Local Government Studies (ILGS) ▪ Ghana Journalists Association (GJA) ▪ Ministry of Local Government, Rural Development and Environment (MLGRDE)

See the work-plan attached.

WORK-PLAN

COMPONENT ONE: RESEARCH

ACTIVITY	PRIMARY RESPONS-IBILITY	SECONDARY RESPONS-IBILITY	TIME REQUIREMENTS		EXPECTED OUTCOMES
			Duration	Deadlines (after contract signing)	
Initial planning for the assignment	GACC	Identified partners	Two days	Week One	- Proposed work plan shared, refined and roles and responsibilities agreed upon - Potential participating districts selected through random and purposive sampling process - Potential partners and other key stakeholders identified
Introduction of project to key stakeholders	GACC	Identified partners and policy institutions	Three days	Week two	Project introduced to key policy institutions and anti-corruption actors (especially those indicated in the impacts list)
Literature review	GACC Secretariat	ILGS Identified research associates from key agencies	Ten days	Week Three	- Initial indication of forms and manifestations of corruption established - sources of information for study identified - Secondary information reviewed (including FOAT, DACF and Ad-G's reports) - Other literature identified and reviewed - Expert informants identified for expert group discussion
Expert group discussion	GACC Secretariat	ILGS Identified experts Research associates	One day	Week Four	- Forms and manifestations of corruption elaborated - Other sources of information for study identified - Other expert informants identified - Broad outline of data-gathering instruments developed
Interviews with expert informants and key public, NGO and civil	Research Associates	ILGS GACC	Five Days	Week Five	- Mechanisms with potential for anti-corruption identified - Perceptions on performance of institutions at local level gained

society institutions					• Good practices and lessons learned generated • Indications and DGIs for field studies refined
Preparation for field studies	GACC Secretariat	Research associates Contact persons in participating districts	Ten Days	Week Seven	• Itineraries agreed on with participating districts • Respondents notified • Data-collection assistants trained • Logistics procured • DGIs finalized and duplicated
Field studies in selected districts	GACC Secretariat Participating Districts Research associates	ILGS Research assistants	Thirty Days (Five Teams working concurrently and spending approx 4 days in each district)	Week Fourteen	• Perceptions on corruption at the district level generated • Knowledge on links between corruption and local level development assessed • Presence and capacity anti-corruption institutions established • accountability strategies adopted by NGOs/ CSOs studied • Training needs of various stakeholders identified
Data collation and analysis writing	GACC Secretariat ILGS Research associates	Research assistants	Ten days	Week fifteen	• Data from the field collated and analysed • Common themes identified Further information on district level corruption and preventive efforts reviewed
Draft report writing	GACC Secretariat ILGS Research associates	Research assistants	Five days	Week seventeen	• Draft report prepared
Conduct of three (3) regional level validation workshops	GACC Secretariat	ILGS Research associates LOGNET Regional	Six days (1.5 day workshop in each	Week nineteen	• Relevance and reliability of the information established • Strategies to deter corruption explored • Inputs for anti-corruption agenda gathered • Training needs of public agencies verified

		coordinating councils NALAG MLGRDE	region and allowing for travel time)		
Finalization of report	GACC Secretariat Research associates	ILGS Research assistants	Five days	Week twenty-one	• Final report prepared and disseminated to key stakeholders
Preparation of policy briefs and other written advocacy materials	GACC LOGNET ILGS	NALAG	Fifteen days	Week twenty-four	• Policy briefs prepared for key agencies and target groups • Other advocacy materials (posters, information buttons, fliers etc) developed
Preparation of training materials	GACC LOGNET ILGS	NALAG	Fifteen days	Week twenty-four	• Training manuals for key target groups developed
Review of Component One	GACC	g-RAP	Five days	Week twenty-six	• Component One reviewed and lessons learned, achievements and gaps identified.

COMPONENT TWO: ADVOCACY

ACTIVITY	PRIMARY RESPONS- IBILITY	SECONDARY RESPONS- IBILITY	TIME REQUIREMENTS		EXPECTED OUTCOMES
			Duration	Deadlines (after contract signing)	
Series of meetings with key policy makers and stakeholder groups in local government	GACC	MLGRDE NALAG LOGNET ILGS	Two weeks	Week thirty	• Policy briefs distributed • Policy makers (MLGRDE) briefed on study findings and commitments for introduction of measures to monitor anti-corruption efforts in FOAT and other performance measures secured

ACTIVITY	PRIMARY RESPONS-IBILITY	SECONDARY RESPONS-IBILITY	Duration	Deadlines	EXPECTED OUTCOMES
					• NALAG Executive Council briefed and its commitment gained • LOGNET briefed and its commitments gained • Presiding Members of District Assemblies educated on study findings and strategies developed.
Two (2) sub-national dissemination workshops	GACC	LOGNET NETCU	Two weeks	Week thirty-two	• findings of the studies shared • strategies generated for an anti-corruption agenda at the sub-national level • responsibilities and commitments for agenda implementation gained
Three (3) media engagement fora on study findings and the anti-corruption agenda	GACC GJA	LOGNET ILGS	Two weeks	Week thirty-four	• Media briefed on study findings • Roles for media in the advocacy effort clarified • Modes of collaboration between Media and GACC established
Report writing	GACC		Two weeks	Week thirty-five	• Reports on dissemination workshops and media engagement fora finalized
Review of Component Two	GACC	g-RAP	Five days	Week thirty-six	• Component Two reviewed and lessons learned. achievements and gaps identified.

COMPONENT THREE: SKILLS DEVELOPMENT

ACTIVITY	PRIMARY RESPONS-IBILITY	SECONDARY RESPONS-IBILITY	TIME REQUIREMENTS		EXPECTED OUTCOMES
			Duration	Deadlines (after contract signing)	
Preparation for zonal workshops	GACC	ILGS	Two weeks	Week	Adequate preparations made for three zonal workshops of thirty-five

• Invitation of participants • Securing of venues • Invitation of resource persons • Securing of logistics		LOGNET NETCU NALAG		thirty eight	(35) participants each
Conduct of three (3) zonal workshops	GACC	ILGS LOGNET NETCU NALAG	Three weeks	Week forty two	105 participants from various parts of the country and from public and NGO/CSO sectors trained in anti-corruption promotion
Preparation of workshop reports	GACC		Two weeks	Week forty four	Training workshop reports finalized and submitted
Review of Component Three	GACC	g-RAP	Five days	Week Forty-six	• Component Three reviewed and lessons learned, achievements and gaps identified.

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APPENDIX ONE

Legal and Policy Framework for Transparency and Accountability within MMDAs in Ghana

Various legislative provisions, policies, rules and regulations have been passed in recent times by central and sub-national governments to promote transparency and deepen accountability to citizens and other key stakeholders. They include

Chapter 20 of the 1992 Constitution especially Article 240, 2(e) is emphatic on the need to effectively involve people in the governance process to promote true accountability. The Article is quoted below *"to ensure the accountability of local authorities, people in particular local government areas shall, as far as practicable, be afforded the opportunity to participate effectively in their governance"*.

By the above, the Constitution is clear and places legal obligations on MMDAs to involve the people in their areas of jurisdiction in the management of the Assemblies activities to facilitate true accountability.

The Local Government Act 462 of 1992 (Section 10, 4b and c) places a (4) *".............. Responsibility of a District Assembly to take such steps and measures as are necessary and expedient to ....*

b.   guide, encourage and support sub-district local government bodies, public agencies and local communities to perform their roles in their execution of approved development plans and

c.   initiates and encourages joint participation with other persons or bodies to execute approved development plans".

The import of the above provisions in the Local Government Act is to operationally the Constitutional provisions under Article 240 2(e)- *by providing for the structures that will facilitate true accountability premised on citizens involvement and the concept of social contract.*

The National Development Planning Systems Act 480 of 1994: Section 3, 1-3 mandates MMDAs as the principal planning authority in its area of jurisdiction to conduct public hearing on any proposed district development plan and shall consider the views expressed at the hearing before the adoption of the proposed development plan. Similarly, provisions are also made for local communities and sub-districts in the preparation of their local action plans to conduct a public hearing before the adoption of the proposed action plans. The above provisions are part of the process put in place to ensure that right from the inception process, citizens and people are part of the planning process in other to facilitate true accountability to them.

Section 120 of the LGA 1993 Act 462 requires the MMDAs to have an internal Audit with responsibility to the District Assembly in the performance of their

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functions. In fact. Section 120(3) makes it mandatory for the Internal Auditor to "...... *at intervals of three months prepare a report .... and submit the report to the presiding members of the Assembly*".

This makes the Assembly functionaries truly responsible and accountable to the Assembly as a house who are the representatives of the citizens. However, there is the need to clarify this whole Section especially the need to establish the distinction between the *Assembly as a house* and the *Secretariat set up to service the Assembly.* That is the technical officers of the Assembly whose primary responsibility is to execute or implement decisions of the Assembly.

The Assembly as a house should be seen as *the shareholders* of the Assembly as an entity, and therefore good corporate governance practices requires managers i.e. the Chief Executives and his/her staff to remain and continue to remain accountable to the Assembly. as a house.

It also looks as if, the passage of the Internal Audit Agency Act 2003, which requires the District Internal Auditors to report to the Director General of the Internal Audit Agency, has in a way taken away some aspects of the rights of the Assembly as a house to exact accountability from the Assembly. I believe this is under review, to better promote true accountability and transparency in the management of our MMDAs.

Section 24 of the LGA, 1993 Act 462 an the need for MMDAs to create sub-committees and the role played by Audit Report Implementation Committees (ARIC) of the Assemblies as required by the Audit Service Act are other legislative provisions that ensures that MMDAs are truly accountable to key stakeholders.

Part X of the LGA 1993 Act 462 also makes for accountability of the activities of MMDAs, such provisions includes:
- ✓ Auditor-General to audit accounts of MMDAs (Section 121)
- ✓ Auditor-General may Disallow or surcharge (Section 122)
- ✓ Recovery of sums certified as due (Section 123)
- ✓ Suspension pending appeal to provisions under Section 122 (Section 124)
- ✓ Publication of annual statement of accounts and auditor's report (Section 125) etc

The Public Procurement Act (663) 2003 has also made provisions for various structures to be put in place to facilitate the required transparency and accountability in the MMDAs procurement systems. Structures provided for include:
- ○ Head of Entity – (DCE)
- ○ Tender Committee(TC)
- ○ Tender Evaluation Panel(TEP)
- ○ Tender Review Board(TRB)
- ○ Procurement Audit(PA)

Other Legislations
- ➤ The Financial Administration Act (FAA)654 of 2003
- ➤ The Financial Administration Regulations (FAR) 2004

> The Financial Memorandum for MMDAs in Ghana (2004) etc are about a few of the laws enacted to facilitate MMDA accountability in Ghana.

Institutional Framework to Reduce Corruption

Various institutions have been created under different legislations to facilitate MMDA accountability, including the following:

- The General Assembly of the District and the systems of checks and balances built into the decentralization system
- The Commission for Human Rights and Administrative Justice(CHRAJ) present in some districts
- Internal Audit Agency Board(IAA) with reporting links with district level internal auditors
- Public Procurement Authority (PPA) with responsibility for monitoring public procurement processes
- The Ghana Audit Service(GAS) responsible for ensuring external auditing of assemblies
- The Serious Fraud Office (SFO)

Institution	Area of Accountability
1.Parliament	✓ Section 121 of Act 462 requires Auditor General to report to parliament on DA's. ✓ Parliament Accounts department of parliament has the power to exact anybody found culpable to appear before it to answer any query that may arise from the Auditor General's report. ✓ Approves the funding of public bodies from the Consolidated Fund
2. National Development Planning Commission (NDPC)	✓ Approve the medium term development plus any related Budget of MMDA's. ✓ Provides guidelines for preparation of District Development plans by MMDA's.
3. Regional Coordinating Councils	✓ In the performance of powers conferred upon them under Section 142 of Act 462
4. Auditor General	✓ Section 121 requires Auditor General to audit MMDA's and this has power to disallow any item of expenditure and to the amount and the person responsible for incurring or authorizing the expenditure.

Institutions Internal to the MMDAs' Environment

Main Assembly	✓ Members to consult constituents and obtain the development aspirations and present some to the corporate assembly. ✓ Hold meetings with the public at least once a year to

	discuss expenditure. ✓ Approves every contract and agreement of contracts. ✓ Fixes rates, licenses and fees by negotiations or by-laws.
Executive Committee	✓ Deliberates on all matters and recommends to the Assembly for approval. ✓ The E.C has the power under Section 21(3) of LGA 462 to carry out the functions of the MMDA's in between sessions of the Assembly. ✓ Oversee preparation of the MMDA Development plan and related annual payments by the relevant technical departments of the Assembly.
F&A Sub committee	✓ Proposes fiscal policies and oversees preparation and co-ordinates preparation of Annual District Corporate Budgets and fee fixing resolutions in consultation with other sub-committees. ✓ Examines all formal reports before they are issued. ✓ Undertakes review of audit reports referred to it by the Assembly. ✓ Monitor the implementation of final decisions of the Assembly.
Presiding Member	✓ Lays all audit reports before the assembly. ✓ Ensures the final decisions of the Assembly referred to the EC and ✓ Calls the executive to order in the event of breaches of final policies

Chief Executives	Performs functions as per Act 462
Coordinating Directors	Performs functions as per Act 462
Key staff of the Assembly	Performs functions as per Act 462
Internal Audit Department	Performs functions as per Act 462 and the Internal Audit Agency Act, 2003.