1. DECENTRALISATION IN GHANA

The Republic of Ghana is a unitary state with multiparty democracy as provided by the Constitution of the Republic of Ghana, 1992, which established the Fourth Republic. The 1992 Constitution marked the end of the rule of the Provisional National Defence Council (PNDC), and a return to multiparty democracy in Ghana.\(^1\)

Since gaining independence in 1957, as the first country in colonial Africa to became independent, successive governments in Ghana have looked to a vibrant local government system to aid the country's development. Attempts at decentralisation were introduced, for instance, in 1983 under Rawlings' military rule.\(^2\) Ghana's current programme of decentralisation was initiated in 1988.\(^3\) The process of decentralisation continued and was endorsed by Ghana's first multiparty government that came into power in 1992.\(^4\)

At the moment, there is no one coherent policy document defining the decentralisation policies in Ghana. The latest and overall guiding programming document is the National Decentralisation Action Plan (NDAP), which has been endorsed by the Cabinet in 2004. The Government of Ghana and development partners recognise that further real progress of the decentralisation reform will require a more comprehensive policy strategy, and are developing initiatives aiming at achieving this.\(^5\) Also, in 2004 the government further reviewed the number of assemblies, thus, at the moment there are all together 138 assemblies in Ghana.

The decentralisation reform in Ghana is enshrined in the 1992 Constitution and the subsequent national legislations. This has led to substantial divergence between Government intentions for decentralization – including the intentions as stated in the Constitution - and the actual practices in the country. The variety of laws results to the divergent practices, especially in the choices made by sectors that tend to define decentralisation as "deconcentration".\(^6\) The divergence can be in part explained by lack of

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\(^1\) CLGF: Local Government system in Ghana (sine anno).
\(^2\) Crawford 2004, 6.
\(^3\) Ibid.
\(^4\) Above information adapted from: CLGF: Local Government system in Ghana (sine anno).
\(^6\) Deconcentration is generally considered as the weakest form of decentralisation. In general terms it refers to redistribution of decision making authority and financial and administrative responsibilities among different levels of central government. This can involve distributing responsibilities from the central government officials stationed in the capital to ones stationed in regions, districts etc., creating field administrations staffed with
clarity of the Local Government Act No. 462 of 1993. It does not assign functions to different levels of government clearly enough, pays very limited attention to sub-district levels, and does not adequately define the extent to which the region level should be considered a fully fledged local government unit.\(^7\)

The Ghanaian decentralisation policy intentions are aiming to devolve power to governance structures closer to the people, which can be noted for example in the Local Government Act of 1993. The sub-structures of the Assemblies play a vital role in ensuring that people are able to participate in local governance. However, there have been difficulties turning these intentions into practice.\(^8\)

It should be noted, there are two competing concepts of decentralisation operating in Ghana; devolution\(^9\) of major political and administrative functions from central government to the local level. Also decentralisation by delegation of functions can be detected.\(^10\)

The practices of de-concentration and devolution are also enabled by the fuzziness of the legislative framework in general: one legislation may assign a function to a District Assembly, while a other legislation may maintain the same function with the responsibility of the central government. This situation is also made possible by the prescriptions of the Constitution of the Republic of Ghana, 1992. The Constitution seems to aim at decentralisation by devolution, but does not clearly prescribe how the laws that are to be enacted to transfer functions from the central government to the local government should define the mode and form of transferring the functions. Thus the Constitution does not provide a clear guidance for enacting national legislation that is supportive of decentralisation by devolution.\(^11\)

2. LOCAL GOVERNMENT: POSITION AND STRUCTURE

2.1 Legal Basis of Local Government

Local government is provided in the Constitution of the Republic of Ghana 1992, which provides that a District Assembly is the highest political authority in the district, and that the District Assembly has deliberative, legislative and executive powers. The Constitution prescribes that Ghana shall have a system of local government and administration which shall, as far as practicable, be decentralized.\(^12\) The composition, powers and duties of the different types of District Assemblies are prescribed in the Local Government Act of 1993.\(^13\)
The main legislative texts pertaining to local government are:

- Civil Service Law 1993 (PNDCL 327)
- Local Government Act No. 462 of 1993
- National Development Planning (System) Act 480 of 1994;
- District Assemblies' Common Fund Act 455 of 1993;
- Local Government (District Tender Boards) Establishment Regulations (which has now been repealed);
- Local Government Service Act 656 of 2003, (and other legislation pertaining to administration of local government and central government personnel at local level);
- Institute of Local Government Studies Act 647 of 2003;
- A range of finance legislation, such as the District Assemblies Common Fund Act No. 455 of 1993, and local government fiscal regulations.14

The local government units in Ghana are called District Assemblies. The first District Assemblies were established in 1988 after the first District Assembly elections were held.15

The Constitution of the Republic of Ghana provides that a District Assembly is the highest political authority in the district, and that the District Assembly has deliberative, legislative and executive powers. The District Assemblies autonomy is limited by the presidential appointees: 30 per cent of the members of the Assembly and the District Chief Executive are appointed by the President. The District Chief Executive heads the executive committee of the Assembly and is the chief representative of the Government in the district, allowing the central government to exercise considerable control over the affairs of the local government.16

2.2 Organisational Structure of Local Government

The Republic of Ghana is a unitary state divided into ten administrative regions. Each of the regions is headed by a Regional Minister appointed by the President.17

The principal units of local government are the district assemblies (DA), of which there are 138. Between the district assemblies and the central government are the regional coordinating councils (RCCs). The RCCs are made up of the representatives from each of the district assemblies in the region and from the regional House of Chiefs. The role of these bodies is to coordinate policy implementation amongst the district assemblies.18

The Constitution provides that for the purposes of local government, Ghana has been divided into districts.19 The Constitution also provides, among other things, the

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16 Kuusi 2009, 2.
17 CLGF: The Local Government system in Ghana (sine anno).
18 CLGF: The Local Government system in Ghana (sine anno).
foundation for determining the composition of the District Assemblies, and the basis for their financial resources.\textsuperscript{20}

The Local Government Act provides that there are three kinds of districts in Ghana – districts, municipalities and metropoles. Each of them has an Assembly as the highest political authority in the district: a District Assembly, Municipal Assembly or a Metropolitan Assembly.

The President may declare an area to be a district and assign a name to the district. The Local Government Act provides that there are three kinds of districts – districts, municipalities and metropoles – and each of them have an Assembly as the highest political authority in the district\textsuperscript{21}:

- District Assemblies in districts with a minimum population of 75,000 people;
- Municipal Assemblies in districts with a minimum population of 95,000 people; and
- Metropolitan Assemblies in districts with a minimum population of 250,000 people.

Of the Assembly members 70 per cent are elected, and 30 per cent of the members are appointed by the President. The Assemblies have an executive committee, which is headed by a District Chief Executive who is appointed by the President. The District Chief Executive has significant authority over the affairs of the Assembly.\textsuperscript{22}

District Assemblies consist of elected representatives. These include the District Chief Executive (similar to Mayor), one elected member from each of the electoral areas in the district, the members of parliament from the district (have no vote), and other persons, who are appointed by the president in consultation with traditional leaders and other interest groups. The number of president appointed persons cannot exceed the 30\% of the total membership of the assembly.\textsuperscript{23}

Each District Assembly has an executive committee, which is responsible for the performance of the executive and administrative functions of the District Assembly. The executive committee is headed by a District Chief Executive (DCE).\textsuperscript{24}

The Minister responsible for local government may also establish, with the approval of the Cabinet, sub-metropolitan district councils, urban or zonal councils, town or area councils, and unit committees within the area of authority of the District Assembly\textsuperscript{25}. The District Assemblies may delegate some of their functions to these bodies, which comprise of elected and appointed members\textsuperscript{26}. There are presently in total 13 sub-metropolitan district councils, 1,300 urban, zonal, town and area councils, and 16,000 unit committees in Ghana\textsuperscript{27}. The internal political structures of all three – the District Assemblies, Metropolital Assemblies and the Municipal Assemblies – are the same.

\textsuperscript{20} Kuusi 2009, 7.
\textsuperscript{21} Local Government Act No. 462 of 1993, Sections 1, 3 (1).
\textsuperscript{22} Kuusi 2009, 18.
\textsuperscript{23} Ohene-Konadu 2001.
\textsuperscript{25} Local Government Act No. 462 of 1993, Section 3 (3–4).
\textsuperscript{26} Local Government Act No. 462 of 1993, Section 15.
2.2.1 Intermediate Tier Councils and Unit Committees

In addition to the above discussed local government structures, there are, rather complexly, sub-district level structures. These do not have any legislative or rating powers. They function on the basis of powers delegated by the District Assemblies.

Firstly, because of their size, Metropolitan Assemblies are subdivided into thirteen 'sub-metropolitan district councils'. Of these six are in Accra, four in Kumasi and three in Shama-Ahanta.28

Secondly, there are over 1300 town/area/zonal councils, with the given name dependent on the size and nature of the settlement.29 These are not elective bodies. Instead, they are composed of five representatives of the district assembly, ten representatives of unit committees in the area and five persons appointed by the government. Essentially, the town/area/zonal councils are implementing agencies of the District Assemblies.30 Urban councils represent urban settlements of over 15,000 people, and zonal and town councils represent mostly rural settlements with populations between 5,000 to 15,000 people.31

Thirdly, throughout Ghana there are approximately 16,000 Unit Committees, covering settlements of between 500-1000 in the rural areas and roughly 1500 in the urban areas. Unit committees are partially elected bodies. Their membership consists of ten elected members and five government appointees. They too act as implementing agencies for the District Assemblies.32 The unit committees are situated below the sub-metropolitan district councils, urban or zonal councils, town or area councils in the local government structure, and represent the community level. The District Assemblies may delegate any of their functions, excluding the power to legislate, levy rates or borrow money, to sub-metropolitan district councils, town, area, zonal or urban councils or unit committees.33

These sub-district structures are designed to enhance and extend scope for citizens’ participation in the democratic process. There have been efforts to hold elections, for example in 2002, but not enough people put themselves forward as candidates. As a result some unit committees do not have a full complement of elected members. Neither are all of them operative – of the 16,000 unit committees, only about 8,000 are fully operational.34

The Constitution provides that an executive committee is established in each District Assembly, and that the executive committee is responsible for the performance of the executive and administrative functions of the District Assembly35. The members of the executive committee are elected by the members of the District Assembly from amongst themselves.36
The executive committee has five statutory sub-committees for example for development planning, social services and finance and administration.\(^{37}\) In addition to these, the District Assemblies may establish any other sub-committees\(^{38}\).

\(^{37}\) Local Government Act No. 462 of 1993, Section 24 (1)(a–e).

\(^{38}\) Local Government Act No. 462 of 1993, Section 24 (1)(f).
Figure of the Local Government System in Ghana
Adapted from Peltola, 2008

<table>
<thead>
<tr>
<th>CENTRAL GOVERNMENT</th>
<th>LOCAL GOVERNMENT</th>
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<td>Council of Minister</td>
<td>Metropolitan</td>
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<td>Council of State</td>
<td>Assembly</td>
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<td>Unicameral Parliament</td>
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<td>inhabitants</td>
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<td></td>
<td>10 x REGION</td>
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<td>Regional Coordinating Council, RRC</td>
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<td></td>
<td>Regional Ministry</td>
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<td>10 x MUNICIPAL</td>
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<td>Municipal Assembly</td>
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<td>over 95 000</td>
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<td>124 x DISTRICT</td>
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<td>District Assembly</td>
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<td>Vast geographical areas, consist of both rural and small urban areas</td>
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<td>over 70 000</td>
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<td>inhabitants</td>
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<td>13 x Sub-metropolitan district council</td>
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<td>Zonal council</td>
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<td>Urban/Town/Area councils</td>
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<td>-Town council</td>
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</table>

**Unit committees:**
- In urban areas about 1500 inhabitants
- In rural areas about 500–1000 inhabitants

### 2.3 Local Government elections

As mentioned before, 70 per cent of the District Assembly members are elected, and the remaining 30 per cent of the members are appointed by the President. The last elections were held in 2006.

The district assembly elections are conducted by using the first-past-the-post system by adult universal suffrage. The assembly members are elected for a four-year-term. The elected Assembly members may stand for re-election for any number of terms.

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39 Local Government Act No. 462 of 1993, Section 3 (2)(b).
40 CLGF: Local Government system in Ghana (sine anno).
Constitution and the Local Government Act prescribe that a candidate seeking election to a District Assembly or any of the sub-structures of a District Assembly must stand at the elections as an individual, and not represent any political party\textsuperscript{41}. Fifty per cent of the appointed members must be women, and another 30 per cent represent traditional authorities\textsuperscript{42}.

Elections to District Assemblies and corresponding sub-district institutions are organized by the Electoral Commission, on the basis of a non-partisan ballot. However, in Ghana the process has been undermined by open, undisguised promotion of candidates by various political parties, notably the governing parties\textsuperscript{43}.

The District Assembly elects a Presiding Member from amongst its members. The term of office of the Presiding Member is two years, and he or she is eligible for re-election. The Presiding Member convenes and presides over the meetings of the Assembly, and performs any other functions prescribed by law\textsuperscript{44}.

There are also difficulties to maintain a functioning system of sub-structures of the District Assemblies. For District Assemblies and their sub-structures of sub-metro to the councils and unit committees, hundreds of thousands of people are to be elected, and several thousands appointed by central government. For unit committees alone, 160,000 people have to be elected, and another 80,000 appointed by the central government. The elections held to constitute this complex set have been disappointing in terms of their outcomes. In the elections held in October 2002, ballots could not be cast in nearly 10,000 units due to insufficient number of candidates. A similar trend occurred in the election of 2006, raising a major dilemma for the suitability and sustainability of this political model\textsuperscript{45}.

\subsection*{2.4 Local Government Staffing}

Local government staff is recruited by the Office of the Head of the Civil Service. However, with the enactment of the Local Government Service Act 2003, appointments, promotions and disciplining of local government personnel now come under the Local Government Service Council. Unlike in the case of for example South Africa, in Ghana, central government staff can be deployed to local government\textsuperscript{46}.

The District Assemblies, on their part, are required by law to have a certain number of officers, namely the district coordinating director (the head of the paid service), the finance officer, the development planning officer, and the local government inspector. The town/area/zonal councils must have a secretary, an accounts officer and a typist. Many of these councils are not, however, fully staffed\textsuperscript{47}.

\subsection*{2.5 Independent Scrutiny}

\textsuperscript{41} Constitution of the Republic of Ghana 199, 248; Local Government Act No. 462 of 1993, Section 7.
\textsuperscript{42} CLGF: Local Government system in Ghana (sine anno).
\textsuperscript{44} Local Government Act No. 462 of 1993, Section 17 (2) according to Kuusi 2009.
\textsuperscript{46} Ibid.
\textsuperscript{47} Ibid.
Generally, in the cases of maladministration citizens are provided with redress by the Commission on Human Rights and Administrative Justice. However, an unusual feature of the District Assembly system is the grievance and complaint procedure, which can be used by the local electorate to hold individual District Assembly members and officers to account.48

On the financial side, it is the Auditor General who audits the district assembly accounts annually and reports to parliament.49

### 3. LOCAL GOVERNMENT: POWERS AND RESPONSIBILITIES

#### 3.1 Basic Public Services

The District Assemblies deliver many services at the local level, but with varying degrees of authority and responsibility for the service provision. The sector legislations and legislative instruments establishing the District Assemblies provide in many cases overlapping responsibilities to the District Assemblies and to the central government.50

The District Assemblies deliver many services, such as pre- and primary education, social welfare, health clinics, cemeteries, museums and libraries, water and sanitation, refuse collection, environmental protection and transport, but with varying degrees of authority and political responsibility for the service provision51.

The responsibilities of the sub-district local government structures are to a large extent unclear and they have virtually no personnel or financial resources to perform functions and duties52.

The Local Government Act of 1993 prescribes to the District Assemblies broad mandates. However, the Local Government Act is silent on the specific sector functions, and does not specify which ones should fall under the responsibility of the District Assemblies. In addition, neither the Constitution nor the Local Government Act make distinctions between functions that must be carried out and which functions the District Assemblies may undertake voluntarily if they choose to do so.53 In addition, the every District Assembly is established with a legislative instrument, which defines its jurisdiction and specifies the functions that it should undertake54.

The Local Government Act provides that the District Assemblies may make by-laws for the purpose of a function conferred on it by the Local Government Act or any other enactment. The by-laws have to be submitted to the Minister responsible for local government for approval.55

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48 Crawford 2004, 12.
49 CLGF: Local Government system in Ghana (sine anno).
50 Kuusi 2009, 18.
53 Kuusi 2009, 18.
54 Local Government Act No. 462 of 1993, Section 3 (2)(c).
4. DECISION MAKING SYSTEMS OF LOCAL GOVERNMENT: RESIDENTS' PARTICIPATION

For an ordinary citizen to be elected he or she must be a citizen of Ghana, 18 years old, ordinarily a resident in the district and paid up on the taxes and rates. By law individuals must also stand without association to any political party.\(^{56}\)

Through the speciality in the Ghanaian system, in which the Intermediate Tier Councils and the Unit Committees are in use, efforts are made to enhance and extend citizens' participation in the local political processes.

5. FINANCE

5.1 Revenue

The Constitution provides that each District Assembly shall have a sound financial base with adequate and reliable sources of revenue. Most of the revenues of the District Assemblies consist of transfers. In 2004, 86 per cent of the District Assemblies’ total revenues consisted of transfers from the central government and donors. The remaining 16 per cent originated from the District Assemblies own source revenues.\(^{57}\)

The high dependency on transfers from the central government and donors indicates that the District Assemblies have limited authority to set local expenditure priorities. The autonomy of the District Assemblies is limited by the fact that they have to submit their annual budgets to the Ministry of Finance for approval.\(^{58}\)

The Local Government Act of 1993 prescribes ten categories of own source revenues, which in Ghana are called internally generated funds, to the District Assemblies. These taxes, rates, levies, fees and licences are listed in the Sixth Schedule of the Local Government Act. The Minister responsible for local government, in consultation with the Minister responsible for Finance, may amend the Sixth Schedule with a legislative instrument.\(^{59}\) The Local Government Act establishes the District Authorities as rating authorities in their respective districts.\(^{60}\)

The District Authorities have the power to borrow. However, the level of borrowing is quite low.\(^{61}\)

District authorities have three sources of revenue: The District Assemblies' Common Fund (DACF), Ceded revenue and own revenue raised through local taxation.\(^{62}\) Ceded revenue refers to revenue received from a number of lesser tax fields that the central government has ceded to the District Assemblies. Finally, there is the collection of own revenue through some local taxes. This does not, however, amount to much as the so called "lurative tax fields" (for example the income tax, sales tax, import and export duties) all belong to the Central Government.\(^{63}\)

\(^{56}\) Ibid.
\(^{57}\) Kuusi 2009, 18.
\(^{58}\) Kuusi 2009, 2 & 18.
\(^{59}\) Local Government Act No. 462 of 1993, Section 86 (2–3).
\(^{60}\) Local Government Act No. 462 of 1993, Section 94.
\(^{62}\) Crawford 2004, 22.
\(^{63}\) Nkrumah 2000.
5.2 Expenditure

A sampling of assemblies' capital expenditure from 1997 indicates the following distribution:

1. Education 34%
2. General public expenditure 22%
3. Health 21%
4. Community amenities 10%
5. Economic services 6%
6. Other tasks 7%.  

6. WOMEN IN LOCAL GOVERNMENT

In 1998, the Government of Ghana gave a directive that reserved 30% of the appointed membership of assemblies for women. Examination of the proportions of appointed members suggests that assemblies selected just around 30%, even though that was supposed to be the minimum. Only 3 of the 110 Presiding Members are women.  

In Ghana the Ministry of Women and Children’s Affairs (MOWAC) is responsible for gender equality at governmental level. The country has a National Gender and Children’s Policy from 2004. Policy is implemented in three year cycles, the last one being 2005-2008.  

In Ghana women’s representation among elected councillors has been low; in the 2002 District Assembly Elections when out of 4583 elected councillors 341 were women. Also there have been efforts to raise the number of appointed female councillors by increasing the quota from 30 to 50 per cent. In the 2002 elections this resulted in women constituting 35.5 percent of appointed members for 97 out of the 138 districts. 

Female councillors in Ghana

According to Simonen 2009
7. THE NATIONAL ASSOCIATION OF LOCAL AUTHORITIES OF GHANA (NALAG)

NALAG was established in 1977 as a representative body for local government authorities in Ghana. It is the sole relevant association in Ghana. The membership is voluntary and all district assemblies are members.\(^{69}\)

8. TRADITIONAL LEADERS AND LOCAL GOVERNMENT

There are two venues through which traditional leaders can influence public and/or government policy. The first venue is through the places reserved for appointed members of the assemblies whereas the second is through the regional House of Chiefs. Regional House of Chiefs has representatives in the RCC.\(^{70}\)

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\(^{69}\) CLGF: Local Government system in Ghana (sine anno).  
\(^{70}\) CLGF: Local Government system in Ghana (sine anno).
GHANA: COUNTRY FACTS

Independence: 1957

Capital: Accra

Administrative division: 10 regions; Ashanti, Brong-Ahafo, Central, Eastern, Greater Accra, Northern, Upper East, Upper West, Volta, Western

Last local elections held: in 2006. The Assembly members are elected for a four-year-term.

Population: 23 832 495 (2009 est.)

Infant mortality rate: 51 deaths/1,000 live births (2009 est.)

Literacy: 57,9% (2000 est.)

Languages: English (official), Asante, Ewe, Fante, Boron, Dagomba ect. (2000)

Religions: Christian 68, 8%, Muslim 15, 9%, indigenous beliefs 9, 2%, none 6, 1% (2000 est.)

GDP: $34, 04 billion (2008 est.)

GDP real growth rate: 6, 3% (2008 est.)

GDP per capita: $1 500 (2008 est.)

Export commodities: gold, cocoa, timber, tuna, bauxite, aluminium, manganese ore, diamonds, horticulture

Population without sustainable access to an improved water source: 25 % (2004 est.)

People living under 1 $ per day: 44,8 % (2005 est.)

Sources:
CIA World Fact book
Adopted from CLGF’s The Local Government System in Ghana:
(x) = discretionary services by the local authority

<table>
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<tr>
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<th>DISTRICTS (local government)</th>
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| **Environment and public sanitation** |  |  |  |
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| Refuse collection and disposal |  |  | x |
| Cemeteries and crematoria |  |  | x |
| Slaughter-houses |  |  | x |
| Environmental protection | x | x | x |
| Consumer protection |  |  | x |

| **Culture, leisure and sports** |  |  |  |
| Theatre and concerts |  |  | (x) |
| Museums and libraries | x |  | (x) |
| Parks and open spaces |  |  | x |
| Sports and leisure |  |  | x |
| Religious facilities |  |  |  |

| **Utilities** |  |  |  |
| Gas services |  |  |  |
| District heating |  |  |  |
| Electricity |  |  | x |
| Water supply |  |  | x |

| **Economic** |  |  |  |
| Agriculture, forests, fisheries | x |  | x |
| Economic promotion | x | x | x |
| Trade and industry | x |  | x |
| Tourism | x |  | x |
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