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Seidu Alidu

University of Ghana, seidualidu@gmail.com

Robert Ame

Wilfrid Laurier University, rame@wlu.ca

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**Civil Society Activism and the Ghanaian National
Reconciliation Commission:
The case of the Civil Society Coalition on National
Reconciliation¹**

Seidu Alidu, University of Ghana
seidualidu@gmail.com
and
Robert Ame, Wilfrid Laurier University
rame@wlu.ca

Introduction

Ghana became the first country in sub-Saharan Africa to attain political independence from Britain in 1957. Since then, it has experienced a chequered political history with power alternating between military and civilian governments till 1992. It has gone through four successful military rules,² several attempted *coups d'état* and three transitions.³ In all these instances, especially

¹ Dr. Joanna Quinn, Dr. A.A. Apusiga and Dr. Hardi Bolaji provided valuable comments on an earlier draft of this manuscript. We are also grateful to the anonymous reviewers for their insightful comments and recommendations.

² The National Liberation Council under A.A. Afrifa (24/02/1966 to 30/09/1969); the National Redemption Council and the Supreme Military Council I & II under I.K. Achaempong and F.W. K Akuffo (13/01/1972 to 03/06/1979); the Armed Forces Revolutionary Council under J.J. Rawlings (04/06/1979 to 23/09/1979); and the Provisional National Defence Council also under J.J. Rawlings (31/12/1981 to 06/01/1993).

³ From the National Liberation Council military regime to the democratic government of Prime Minister K.A. Busia ushering in Ghana's Second Republic; from the Armed Forces Revolutionary Council military regime to the democratic government of Dr. Hilla Limann marking the beginning of the Third Republic, and from the Provisional National Defence Council

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during the military regimes, grave human rights abuses were believed to have been committed, including rape, confiscation of properties, unlawful detentions, torture and widespread disappearances.⁴ These violations have not only left a mark of hatred in the relationship between victims and perpetrators of the crimes but have also created huge deficits in the human rights records of the country.

The decision of the Provisional National Defence Council (PNDC) regime to return the country to constitutional rule in 1992 was influenced to some extent by the dedication and resourcefulness of civil society organizations.⁵ Indeed, the role of civil society organizations in policy making in Ghana has developed gradually from insignificant involvement to extensive engagement over the last two decades.⁶ This pattern of development is similar to what happened at the international level where Moore and Pubantz⁷ have argued that it was not till the 1980s that the United Nations saw an explosion in the quantity and quality of NGOs.⁸ In this spirit, the Ghana Bar Association, religious bodies and other civil society organizations have all worked relentlessly in ensuring that Ghana did not only return to democratic rule but have also initiated measures aimed at reconciling the nation through the granting of

military rule to the democratic government of Flight Lieutenant Jerry John Rawlings signifying the beginning of the Fourth Republic.

⁴ Robert Ameh, "Uncovering Truth: Ghana's National Reconciliation Commission Excavation of Past Human Rights Abuses," *Contemporary Justice Review* 9.4 (2006): 345-368.

⁵ Emmanuel Gyimah-Boadi, "Civil Society in Africa: the Good, the Bad, the Ugly," CIVNET, 1.1 (May 1997).

⁶ Abdul Gafaru Abdulai and , Ruby Quantson "The Changing role of CSOs in Public Policy making in Ghana," *Ghana Social Science Journal*, 5/6.1/2 (1999): 114-151.

⁷ John A. Moore and Jerry Pubantz, *The New United Nations: International Organization in the Twenty-First Century* (Upper Saddle River, NJ: Pearson Education Inc./Prentice Hall, 2006).

⁸ In Ghana, the introduction of the 1992 Constitution and return to constitutional rule led to the proliferation of civil society organizations in the 1990s.

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amnesties to Ghanaian exiles, the release of political prisoners and the repealing of draconian laws in the country.⁹ After the transition to democracy, civil society groups also played an active role in monitoring government policies, providing services and consolidating the little gained in the country's democratic dispensation through advocacy work. Therefore the role civil society organizations played in the work of the National Reconciliation Commission (NRC) came as no surprise from the time the idea was introduced into the political discourse of the country until the time the Commission completed its work and even beyond.¹⁰ The Civil Society Coalition on National Reconciliation was established to help actualize government's commitment towards reconciliation via the platform of the NRC. While their formation is informed by variety of reasons, coalitions provide a lot of benefits to their members. Generally, civil society coalitions have increased access to information, expertise and financial resources which in turn enhance their level of efficiency and increase their operational impact.¹¹

In terms of structure, coalitions can be formal or informal associations and may operate at different levels; from local to international. There is no criterion on how and why networks develop but formation can be instigated by external or internal sources, or for practical or value-based reasons.¹²

⁹ H.J.A.N. Mensa-Bonsu, "Gender, Justice and Reconciliation: Lessons from the Ghana's NRC," Unpublished paper delivered at the CDD-CI Workshop on Gender, Justice and Reconciliation, at the Fiesta Royale Hotel, Accra, 7 June 2007.

¹⁰ Prof. Mike Ocuaye, Second Deputy Speaker of Ghana's Parliament, was the first person to introduce the concept of national reconciliation into Ghana's academic and political discourse in his article, "M. Ocuaye, "Human Rights and the Transitional to Democracy under the PNDC in Ghana," *Human Rights Quarterly* 17.3 (1995): 556-573.

¹¹ Seidu Alidu, "CSO Networks and Policy Influence in Ghana," Research Report, ISSER-CIDIN Civil Society Research Facility Ghana, 2012.

¹² Claudia Liebler and Marisa Ferri, "NGO Networks: Building Capacity in a Changing World," Office of Private and Voluntary Cooperation (November 2004).

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Depending on the issue that needs their attention, coalitions may be formed to be sustainable in the long run or as a response to a very specific stimulus and are designed to be time-bound. The CDD-led Civil Society Coalition on National Reconciliation was a national one formed to influence the work of the Ghanaian TRC and was therefore time-bound. It consisted of twenty-six civil society organisations drawn largely but not exclusively from the media, the trade union, religious and other professional associations including teachers, lawyers, students and traditional leaders. It was chaired by a retired High Court Judge, Mr Justice V.C.R.A.C Crabbe. Largely drawn from different professional backgrounds, the Civil Society Coalition on National Reconciliation was able to work together throughout the NRC mandate period. Certainly, Weible argues that advocacy coalitions are able to hold on together and coordinate their activities through a belief system.¹³ The core belief that bounded these different organizations together was their desire to advance the course of human rights and reconciliation in the country.

Though there is no shortage of academic literature on the role of civil society organizations in policy making and international development, there is a dearth of information on the role of Ghanaian civic groups in the country's reconciliation process. This paper aims at bridging that gap by assessing the contribution of the Civil Society Coalition to the formal Ghanaian national reconciliation process, which was set in motion when the National Reconciliation Act was passed in 2002. In this vein, the paper seeks to answer the following questions: How did the Civil Society Coalition on National Reconciliation contribute to the work of the Ghana National Reconciliation Commission (NRC)? How effective was the Coalition in advancing the goal of reconciliation in Ghana? What challenges did the Coalition encounter? What was the impact of

¹³ Christopher M. Weible, "Beliefs and Policy Influence: an Advocacy Coalition Approach to Policy Networks," *Political Research Quarterly*, 58.3 (2005): 461-477.

such participation to policy making in Ghana? This paper is based on the analysis of secondary data on both the work of transitional justice in general and the NRC in particular. It also draws a little from an interview with the former Program Officer in charge of the Transitional Justice Unit at the CDD which formed the Civil Society Coalition on National Reconciliation. The paper is broadly divided into four sections. Section one examines the Ghanaian transition from the perspective of Ní Aoláin and Campbell's typology of "paradigmatic" and "conflicted democratic" transitions.¹⁴ While the second section looks at the Ghanaian transitional justice programme, the third appraises the role of the Civil Society Coalition on National Reconciliation and its contribution to the transitional justice programme. The last section assesses the work of the Civil Society Coalition on National Reconciliation vis-à-vis the NRC and makes a recommendation for similar programmes in the future.

The Ghanaian Transition

Several literatures abound on democratic transitions. While majority of these focuses on the causes and outcomes of democratic transitions, others emphasize the pre-requisites for democratization including socio-economic development, political culture and the role of civil society in such process.¹⁵ Guo discusses four major approaches to the study of democratic transitions:¹⁶ the first assumes that economic development, political culture, social structures and other conditions explain the outcome of a particular transition; the second approach concentrates on the strategic choices that elites make and how that influences the transitional process; the third approach focuses on the impact of institutions in determining the

¹⁴ Fionnuala Ní Aoláin and Christine Campbell, "The Paradox of Transition in Conflicted Democracies," *Human Rights Quarterly*, 27 (2005): 172-213.

¹⁵ Helga A. Welsh, "Political Transition Processes in Central and Eastern Europe," *Comparative Politics*, 27.379 (1994): 379-394.

¹⁶ Sujian Guo, "Democratic Transition: A Critical Overview," *Issues and Studies*, 35.4 (July/August 1999): 133-148.

parameters of political actions and eventual transition, and the fourth approach emphasises the interaction between politics and the economy as explanatory variables determining variations in political outcomes.¹⁷ Similarly, many democratic transition theorists have all explained democratic transitions using the actor-induced model.¹⁸ This model assumes that democratic transitions are inspired by strategies, beliefs and calculations of the ruling elites who spearhead the transition process at critical times in their rule. Such critical times may come about due to internal or external pressures or social, economic and political challenges.

Arguably, the Ghanaian democratic transition in the early nineties was influenced so much by the socio-economic dynamics of the country than any other factor. The economic challenges the PNDC regime faced after its overthrow of the Peoples' National Party in 1981 led to its adoption of a World Bank-initiated Structural Adjustment Programme (SAP) to stabilize an ailing economy.¹⁹ Though the results of the World Bank-led SAP was mixed,²⁰ a lot of analysts believed its social consequences was unbearable to the ordinary Ghanaian

¹⁷ Ibid., 135-137.

¹⁸ See Samuel Huntington, *The Third Wave: Democratization in the late Twentieth Century*, (Norman: University of Oklahoma Press, 1991). See also Guillermo O'Donnell and Philippe Schmitter, "Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies," in *Transitions from Authoritarian Rule*, eds. Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead (Baltimore: John Hopkins University Press, 1986).

¹⁹ K. Bofo-Arthur, "Structural Adjustment Programmes (SAPS) in Ghana: Interrogating PNDC's Implementation," *West Africa Review*, 1.1 (1999): 1-19; S. Appiah-Opoku, "The World's Bank Structural Adjustment Programs in Africa: the case of Ghana," *Notes* (Cornell University, 1998): 6-10; K. Konado-Agyemang, "The Best of Times and the Worst of Times: Structural Adjustment Programs and Uneven Development in Africa: the case of Ghana," *Professional Geographers*, 52.3 (2000): 469-483.

²⁰ Bofo-Arthur, "Structural Adjustment Programmes (SAPS) in Ghana," 1-19; K. Bofo-Arthur, K. "Ghana's Politics of International Economic Relations under the PNDC, 1982-1992," *African Study Monograph*, 20.2 (June 1999): 73-98; Konado-Agyemang, "The Best of Times and the Worst of Times," 469-483.

resulting in the implementation of the Programme of Action to Mitigate the Social Cost of Adjustment (PAMSCAD).²¹ Following international pressure (mainly from the World Bank and the IMF) and domestic discontent from the implementation of SAP, the top hierarchy of the PNDC made a strategic choice in the late eighties to return the country to democracy by first lifting a ban on the activities of political parties. While the decision to return the country to democracy was not voluntarily initiated by the ruling class, it nonetheless benefitted them since power was handed to Jerry John Rawlings again (this time as a civilian rather than a military leader). O'Donnell and Schmitter's argument that it is difficult to predict the outcome of democratic transitions since much depends on the short-time calculations and the immediate reaction of strategic actors to the unfolding event seems very accurate in the Ghanaian case.²² The PNDC regime was able to calculate well by providing for themselves blanket amnesty for all the crimes they have committed under the military regime and formed a civilian party that allowed them to continue to stay in power for another eight years.²³

However, the incoming National Democratic Congress (NDC) (a vestige of the PNDC regime) did not deem it appropriate to investigate human rights violations that occurred before the transition to democracy. This was partly due to the fact that most of the human rights violations committed before the transition to democracy in 1992 was under the watch of the same leader, Jerry John Rawlings. Rather, the NDC government preferred an "opaque reconciliation agenda" that covered only "selective de-confiscation of properties illegally seized in the

²¹ Boafo-Arthur, "Structural Adjustment Programmes (SAPS) in Ghana," 1-19; Boafo-Arthur, "Ghana's Politics of International Economic Relations under the PNDC, 1982-1992," 73-98.

²² O'Donnell, and Schmitter, "Transitions from Authoritarian Rule," 456.

²³ K. Boafo-Arthur, "National Reconciliation or Polarisation: The Politics of the Ghana National Reconciliation Commission," in *The Crisis of State and Regionalism in West Africa: Identity, Citizenship and Conflict*, eds. W.A. Fawole and C. Ukeje, (Dakar: CODESRIA, 2005).

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previous Rawlings-led regimes.”²⁴ The NDC preference for an “opaque” reconciliation agenda rather than a comprehensive reconciliation process using a TRC was informed by the constant anxiety among the rank of the NDC that such an exercise will deliberately harm them collectively or individually.²⁵

The New Patriotic Party (NPP), an arch-rival and also victim of the Rawlings-led military regimes, opted for a truth commission after winning the 2000 election. Indeed, Gyimah-Boadi argues that the decision to establish a truth commission was a political manifesto of the NPP on which they campaigned widely.²⁶ Although it was a campaign promise of the NPP to establish a truth commission, it was not however the intention of the party to protect Rawlings from accountability – at least not of the decisions he made as both chairman of the AFRC and the PNDC, which led to several human rights violations. The period after the political transition till the time the NRC was established can be aptly captured by Ní Aoláin and Campbell categorization of political transitions.²⁷ They distinguish between two types of political transitions after violent conflicts and political repressions: “paradigmatic” and “conflicted democracies.” The paradigmatic transition involves the aspiration and attempts of non-democratic states to practice democracy after violent conflict or rule by an “illegitimate” government. The state practices what Ní Aoláin and Campbell call “procedural” democracy. This meets only the “minimal requirements” needed for a state to become democratic. For example, paradigmatic democratic states may aspire to have a majoritarian rule by holding regular elections, which although not necessarily fair or transparent might just conform to the norm of engaging in a form of democratic process. In paradigmatic transitions, therefore, the state in question emerges

²⁴ Emmanuel Gyimah-Boadi, “National Reconciliation in Ghana: Prospects and Challenges,” CDD-Ghana *Briefing Paper*, 4.1 (2002): 2.

²⁵ *Ibid.*, 3.

²⁶ *Ibid.*

²⁷ Ní Aoláin and Campbell, “The Paradox of Transition in Conflicted Democracies,” 172-213.

from a repressive past or a destructive conflict, where democracy was never practiced or could not have been operational, to a procedural democracy.

Conflicted democratic transition, on the other hand, involves the efforts of states to move from the minimal form of democracy that characterized the pre-transition period to a more advanced level of democracy after the transition. Such states practice “substantive” democracy, which goes beyond the holding of only regular elections (which at times may not be free and fair). Substantive democracy encompasses free and transparent elections, and the provision of requisite democratic institutions such as the legislature, executive, judiciary, free press and vibrant civil society needed to sustain the process. Therefore in conflicted democratic transition, the country in question already practices a form of democracy by observing the ritual of holding regular elections though there may still remain firmly-established divisions within the country in the form of racial, ethnic, religious, class or ideological struggles.

This distinction between the two types of transitions is very helpful in understanding Ghana’s transition and in particular why a transitional justice programme was necessary in the country. Arguably, the Ghanaian transition to the Fourth Republic is both paradigmatic and conflicted. Unlike others, the Ghanaian transition already had vibrant civil society organizations (CSOs) as well as strong state institutions in place.²⁸ This was a result of the late start of the transitional justice program – almost a decade after the return to constitutional democracy from military rule. Yet, there was some level of apathy and near confrontationist attitude between the CSOs and state institutions regarding aspects of peace-building. This conflict could be understood within the context of Bombande’s argument that governments regard civil society organizations as “competitors rather than collaborators” when it

²⁸ A.F. Odora, “Rising from the Ashes: the Rebirth of Civil Society in an Authoritarian Political Environment,” *International Journal of Not-for-Profit Law*, 10.3 (2008): 79-91.

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comes to issues related to peacebuilding.²⁹ The major problem has to do with the process/manner of peace building. While politicians operating under the façade of the state seek quick “peace dividends”³⁰ that “put them in good light in public opinion,”³¹ civil society organizations prefer a systematic, innovative and careful intervention that do not only address the issues at the heart of the problem but which will also forestall future repetitions. Also, having emerged from authoritarian rule, some new democratic states still retain the vestiges of patronage politics. In a situation of limited resources and the duplication of roles between the state and civil society organizations, governments can monopolize the former and stifle political opportunities to gain control over civil society groups. The consequence of such a situation is the limited roles that civil society groups choose to play at crucial periods in their developments and expansion. They tend to avoid human rights

²⁹ E. Bombande, “Conflicts, Civil Society Organizations and Community Peacebuilding Practices in Northern Ghana,” in *Ethnicity, Conflicts and Consensus in Ghana*, ed. S. Tonah, (Accra: Woeli Publishing Services, 2007), 221. This assertion stems from the frustration the Inter-NGO Consortium—a group of several local and international peace building and other civil society organizations—encountered in their attempt to help at peace building efforts in Northern Ghana at the height of the “guinea fowl” war in 1994. See Bombande, “Conflicts, Civil Society Organizations and Community Peacebuilding Practices in Northern Ghana,” 221.

³⁰ “Peace Dividends” refers to the tendency or desire to rapidly show progress or successes *vis à vis* security and relief work in fragile and conflict-affected situations which has a tendency to patch over deep-seated problems. For more discussion on this issue see M.A. Rocha, “State-building for Peace’: Navigating an Arena of Contradictions,” Overseas Development Studies Briefing Paper, No. 52 (London: Overseas Development Institute, August 2009). See also Roland Paris and T. Sisk, *Dilemmas of State-Building: Confronting the Contradiction of Post-War Peace Operations* (London: Routledge, 2009).

³¹ Bombande, “Conflicts, Civil Society Organizations and Community Peacebuilding Practices in Northern Ghana,” 221.

and democratic issues and focus on issues related to welfare and the provision of services.³²

Ní Aoláin and Campbell note that in a paradigmatic transition, the state engages with the legacy of the previous regimes' massive human rights violations.³³ As mentioned earlier, the military has intermittently interrupted the Ghanaian democratic dispensation on four occasions, all of which were characterized by widespread violations of human rights. Though the Commission found that overall trend of human rights violations spread across both constitutional and unconstitutional governments,³⁴ the coming to power of military regimes were marked by sharp rises in human rights violations. Specifically, the periods under the AFRC and the PNDC witnessed particularly extensive use of repressive measures.³⁵ Under these two regimes, abductions and torture were very common. So were "disappearances" and the use of "kangaroo courts" to expedite death sentences on the regime's "enemies." There were many occasions under the PNDC when market women were publicly flogged by the military for the minimal crime of selling commodities at prices that were thought to be greater than the regime's controlled prices. The unrestrained behaviour of the military further led to the infamous "house cleaning" campaign in which three High Court Judges, two former Heads of State and many citizens were arrested and subsequently murdered.³⁶ These arrests and murders developed into a "culture of silence" in which people were afraid to criticize the policies and excesses of the PNDC regime.

³² Odora, "Rising from the Ashes: the Rebirth of Civil Society in an Authoritarian Political Environment," 79 – 91.

³³ Ní Aoláin and Campbell, "The Paradox of Transition in Conflicted Democracies," 172-213.

³⁴ Report of the National Reconciliation Commission, Vol.3, Chapter 3, (2004), 168.

³⁵ *Ibid.*, 170.

³⁶ The "house cleaning" campaign referred to a time when the abduction and disappearance of people who were thought to be enemies of the regime became common.

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Several reasons explain the astronomic rise of human rights violations committed under the AFRC and PNDC regimes (which together constitute 84% of all violations committed under the Commission's mandate period).³⁷ The report of the Commission notes that the record of high incidence of human rights violations under the AFRC and the PNDC could have been influenced by the fact that majority of witnesses who testified before the Commissions were victims of those regimes since they were the last military governments in the country before its return to constitutional rule. It may also have been that victims of some of the oldest governments in the country were no more available to testify against those regimes as a result of loss of lives or memory lapses.³⁸ Despite the reasons that influenced human rights violations under these two regimes, the Commission finds (and as indicated in Figure 1) that majority of violations occurred under the PNDC. It started rising from 1981 when the regime came to power and reached its peak in 1982 when it struggled to consolidate its grips to power in the face of threats to its rule.

³⁷ Report of the National Reconciliation Commission, Vol. 3, Chapter 3, (2004), 170.

³⁸ *Ibid.*, 151.

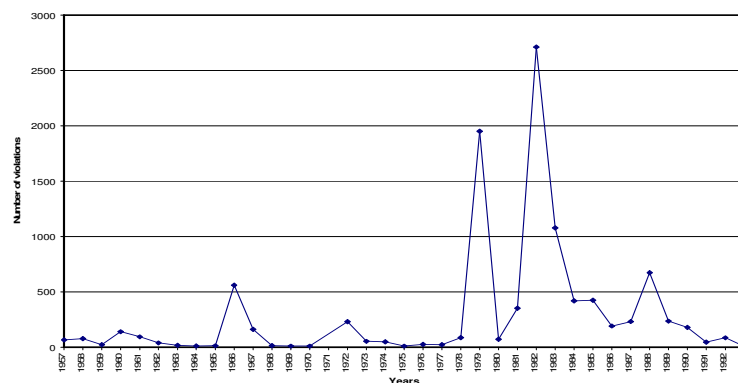


Figure 1:
Patterns of human rights violations in Ghana (1957- 1993)
(Source: Report of the National Reconciliation Commission,
October 2004)

Therefore, it is right to argue that while Ghana has been a democratic state since independence, the period between 1979 to 1992 was characterized by political repression and the suppression of the people's freedom to speech and associational life.³⁹ Such a situation, especially under a military government, makes it difficult to practice even the procedural form of democracy. Under constitutional rule, mass human rights violations are likely to attract wide condemnation from human rights groups and other civic organization within the state and may lead to dwindling electoral fortunes. However, under military regimes, it may be dangerous to openly display outrage or condemn such abuses because of the suppression of dissent and also the consequences of taking such a decision. On this basis, the Ghanaian transition to the Fourth Republic could arguably be classified as paradigmatic.

Perhaps more controversial, however, is the definition of Ghana as a conflicted democracy. The controversy does not

³⁹ M. Ocuquaye, "Human Rights and the Transition to Democracy under the PNDC in Ghana," *Human Rights Quarterly* 17.3 (1995): 556.

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lie in the fact that the country is plagued with “deep social cleavages, rancour and bitterness” which could easily be identified as conflictual, but in the assumption that Ghana is a “procedural” and not a “substantive” democracy following the transition in 1993 and before the commencement of the transitional justice programme in 2002.⁴⁰ The country had established all the relevant democratic institutions needed to qualify it as substantive. It had a hierarchical court structure, a vibrant parliament, active civil society organizations, horizontal institutions of accountability such as the Commission on Human Rights and Administrative Justice and the National Commission for Civic Education among others. Ghana had also conducted regular elections mostly adjudged as being free and fair by both local and foreign observers and, has in the past decade, also witnessed the alternation of power between governing and opposition political parties. Notwithstanding all these, however, Ní Aoláin and Campbell argue that Ghana, like many other conflicted democracies, already has some kind of “...ideological commitment to, and therefore claims adherence to, ‘democratic values’.”⁴¹ Therefore, the “self-definition” of being a democracy and the “commitment” to democratic tenets paradoxically makes transitional justice programmes in such countries seem irrelevant. However, Ghana’s “self-definition” of being a democratic state could not hide the “deep-seated” divisions⁴² the country faced, nor could it wipe clean its legacy

⁴⁰ J.R.A. Ayee, “Political Leadership and Democratic Consolidation,” in *Voting for Democracy in Ghana: The 2004 Elections in Perspective*, ed. K. Boafo-Arthur, Thematic Studies, Vol. 1 (Accra: Freedom Publications, 2006), 84.

⁴¹ Ní Aoláin and Campbell, “The Paradox of Transition in Conflicted Democracies,” 174.

⁴² These divisions take the form of political antagonism between the National Democratic Congress and the New Patriotic Party; inter and intra-ethnic as well as chieftaincy tensions especially in the three Northern parts of the country, and religious tensions. For a detailed analysis of these tensions, see D. Tsikata and W. Seini, “Identities, Inequalities and Conflicts in Ghana,” Centre for Research on Inequality, Human Security and Ethnicity (CRISE), Working Paper No. 5 (Oxford, November 2004).

of past human right violations. The NRC was essentially established to address this situation.

The National Reconciliation Commission

Many transitional justice analysts argue that coming to terms with the past after gross human rights violations is an essential part of the process of social, legal and moral reconstruction of a society.⁴³ It is a common feature during transitions to establish officially sanctioned bodies to investigate and document patterns of human rights violations in the past and also to make recommendations on how similar abuses can be prevented in future.⁴⁴ While truth commissions are not substitutes for other forms of accountability, they nonetheless are essentially

⁴³ Naomi Roht-Arriaza, "Civil Society in Process of Accountability," in *Post-Conflict Justice*, ed. M. Cheriff Bassiouni (New York: Transnational Publishers, 2002); Naomi Roht-Arriaza, "State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law," *California Law Review* 78.2 (1990): 449; Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000); Ruti Teitel, "Transitional Jurisprudence," *The Yale Law Journal* 106.7 (1997); Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998); Nigel Biggar, , ed. *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Georgetown University Press , 2001). In fact, the literature abounds with such arguments. See also Carlos S. Nino, "The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina," *Yale Law Journal* 100 (1991): 2619; Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *Yale Law Journal* 100 (1991): 25-37; Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, rev. and exp. ed. (New York: The New Press, 2002); and Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991).

⁴⁴ Priscilla Hayner, "Fifteen Truth Commissions: A Comparative study," *Human Rights Quarterly*, 16.4 (1994): 597-655; Priscilla Hayner, "Commissioning the Truth: Further Research Question," *Third World Quarterly*, 17.1 (1996): 19-29; Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2004); Priscilla Hayner, "Truth Commissions: A Schematic Review," *International Review of the Red Cross*, 862 (2006): 295-360.

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complementary measures of same.⁴⁵ The relationship between the Sierra Leonean TRC and Special Court offers a classic instance. Even though there were documented instances of tension in the working relationship between these transitional justice processes, it nonetheless proved that these two accountability mechanisms can operate side-by-side. Truth Commissions are generally understood as “non-judicial or quasi-judicial investigative bodies, which map patterns of past violence, and unearth the causes and consequences of these destructive events.”⁴⁶ These bodies have gained much currency as influential policy tools for national healing after armed conflict and following the end of brutal and repressive regimes given the relative success of the South African Truth and Reconciliation Commission. Truth Commissions are not the same everywhere, given that they are set up because of different precipitating factors including the end of repressive regimes, entrenched structural segregation and after violent armed conflict. They can also differ with regards to the sponsor of the Commission which could be the national government of the country concerned, the United Nations or non-governmental organizations. Finally, Truth Commissions’ source of authority

⁴⁵ For a detailed analysis of this relationship see Marieka Wierda, Priscilla Hayner, and Paul van Zyl, “Exploring the Relationship between the Special Court and the Truth and Reconciliation Commission of Sierra Leone,” rev. 24 June 2002, original paper presented to the “UN Expert Group on the Relationship between the TRC and the Special Court,” New York, December 20-21, 2001. See also William Schabas, “A Synergistic Relationship: The Sierra Leone Truth and Reconciliation Commission and the Special Court for Sierra Leone,” *Criminal Law Forum*, 15.1-2 (2004): 3-54; William Schabas, “The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone,” *Human Rights Quarterly* 25.4 (2003): 1035-1066; and, Suzannah Linton “Cambodia, East Timor and Sierra Leone: Experiments in International Justice,” *Criminal Law Forum* 12.2 (2001): 185-246.

⁴⁶ United Nations “United Nations Approach to Transitional Justice,” Guidance Notes of the Secretary-General, March 2010:8 accessed at http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf, on 13/08/2011 and Priscilla Hayner’s “Fifteen Truth Commissions” and *Unspeakable Truths* give a good definition of TRCs.

could be a distinguishing factor since some derive their legitimacy from legal and/or political power of subpoena, yet others permit voluntary cooperation from participants.⁴⁷

The mandate of the Ghanaian National Reconciliation Commission was to “...seek and promote reconciliation among the people of Ghana”⁴⁸ and to “make recommendations to the President for redress.”⁴⁹ Specifically, Section 4 (a-e) of Act 611 empowers the Commission to:

- Investigate human rights abuses related to killings, abductions, disappearances, detentions, torture, ill-treatment and seizure of properties during past military regimes in Ghana;
- Investigate the causes and contexts within which those abuses occurred;
- Identify perpetrators and victims of such abuses;
- Make appropriate recommendations for redressing such abuses; and,
- Make the work of the Commission a source of public education.

This TRC process was necessary in the Ghanaian context because there were a lot of deceit and negation concerning human rights violations – especially with regard to cases relating to abduction and disappearances.⁵⁰ Ghana’s political history, especially the part that has to do with violence and human rights violations, vary depending on the political leanings (whether NPP or NDC) of the narrator. Thus, while members of the NPP generally think the 1966 military coup d’état that toppled Ghana’s first president was legal but the coups d’état staged by

⁴⁷ Hayner, “Fifteen Truth Commissions,” 597-655; Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*.

⁴⁸ Republic of Ghana *National Reconciliation Commission Act* (Act 611) (2001), Sec. 3.1.

⁴⁹ *Ibid.*, Sec. 3.1.b.

⁵⁰ The abduction and subsequent murder of the three High Court judges, which became the central issue during the work of the NRC, is a case in point.

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military strongman JJ Rawlings in 1979 and 1981 were illegal, members of the NDC see it the other way round.⁵¹ A consequence of the different perceptions of violence in the country was the great controversy generated by the creation of the National Reconciliation Commission in 2001; especially volatile was which period in the country's history should be investigated by the Commission.⁵² Thus, the political posturing of the NDC and the NPP in the Ghanaian Parliament during the debate of the National Reconciliation Commission Bill was not only a reflection of a long-held belief by the two dominant political traditions in the country but also a rehearsal of the sort of politicization that will characterize the Commission's work. As noted by Ignatieff, truth commissions have the potential to limit the number of truths circulated unchallenged in the political and historical discourse of a country.⁵³ However, in the Ghanaian case, the nature of political tensions between the two main political parties in the country made it little less impossible to agree on a shared truth about the history of human rights violations.⁵⁴ However, paramount to all these, is the demonstration of political leadership on the part of the NPP administration regarding national reconciliation. One of the key points in the NPP's manifesto going into the 2000 general election was to set up a reconciliation commission to unearth

⁵¹ Dennis Austin, *Politics in Ghana: 1946-1966* (London: Oxford University Press, 1964); G. Bing, *Reap the Whirlwind: An account of Kwame Nkrumah's Ghana: 1950-1966* (London: MacGibbon & Kee, 1968).

⁵² Robert Ameh, "Uncovering Truth: Ghana's National Reconciliation Commission Excavation of Past Human Rights Abuses," *Contemporary Justice Review* 9.4 (2006): 345-368; and Robert Ameh, "Doing Justice after Conflict: The Case for Ghana's National Reconciliation Commission," *Canadian Journal of Law and Society*, 21.1. (2006): 85-109.

⁵³ Michael Ignatieff, "Articles of Faith," *Index on Censorship*, 25.5 (September/October 1996): 110-122.

⁵⁴ See, for example, Austin, *Politics in Ghana: 1946-1966* and Bing, *Reap the Whirlwind: An account of Kwame Nkrumah's Ghana 1950-1966*. See also Ameh, "Uncovering Truth," and Ameh, "Doing Justice after Conflict," for a discussion of some of these controversies and the political contexts that generated them.

past atrocities; so once they won the election, they did not renege on their promise to the electorate.⁵⁵ It was in the light of these and several other reasons that the Ghanaian truth commission was deemed to be necessary.

Though widely criticized for being over-politicized⁵⁶ and even controversial,⁵⁷ the Commission was able to achieve some of its objectives as mandated in Act 611. The report implicated the security institutions as the major perpetrators of human rights violations during the country's troubled times; uncovered some graves and paid reparations to selected victims of human rights violations. The most valuable contribution of the Commission towards reconciliation in the country, according to some victims interviewed, was the cathartic experience they went through after being given the opportunity to ventilate their grievances on such a public platform. These achievements were widely propagated by an active media and other civil society organizations. The section that follows discusses the extent to which Ghanaian civic groups participated in the Commission's process.

Civil Society Organizations

Variously known as “non-governmental organizations”, “social movements”, and “citizen action” or “advocacy networks”, civil society organizations have been defined by Marlies Glasius⁵⁸ as a deliberate get-together of people with the aim of influencing their society. Glasius identifies three main functions of civil society organizations: (i) paradigm-shifters who influence people

⁵⁵ New Patriotic Party Manifesto (2000), 37.

⁵⁶ S. Alidu, G. Fairbairn and D. Webb, “‘Truths’ and ‘Re-Imaging’ in the Reconciliation Process,” *Peace Review*, 21.2 (2009): 136-143; Bofo-Arthur, “The Quest for National Reconciliation in Ghana,” 127-155; Nahla Valji, “Ghana's National Reconciliation Commission: A Comparative Assessment,” New York: International Center for Transitional Justice Occasional Paper Series (2006).

⁵⁷ Ayee, “Political Leadership and Democratic Consolidation,” 79-99.

⁵⁸ Marlies Glasius, “Global Civil Society and Human Rights,” in *Human Rights: Politics and Practice*, ed. Michael Goodhart (Oxford: Oxford University Press, 2009), 149.

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to shift their minds and beliefs; (ii) law-making: persuading and lobbying law-makers at both the domestic and international levels to make laws favourable to the causes they champion; and, (iii) human rights monitors who have the will and courage to fight for the implementation of laws and policies where governments and policy-makers fail.⁵⁹

McConnachie⁶⁰ has identified the following roles that civil society organizations can play during transitions: in the drafting of legislations for truth commissions and also lobbying to improve them; convening national discussions on international best practices within the field of transitional justice; holding preparatory conferences and also training the media on the coverage of the accountability process; and researching alternative models for reconciliation. Similarly, Roht-Arriaza has highlighted the following as “points of intervention” for civil society organizations during transitions: in the overall design of accountability measures including aspects of reparations; in the naming of punishable crimes and the type of sanctions to be used, and in the obtaining of witnesses.⁶¹ Each of these roles should be performed within the authority of the constitution of the state in question and according to the principles and spirit of international law. This may seem like subjugating civil society organizations to the mercy of the state. Yet, each of these groups – state and civil society – has roles they can play best notwithstanding the relatively ‘symmetric’ power relations between them. Further, Marlies Glasius⁶² has rightly pointed out that the relationship between civil society organisations could be conflictual as conflict arises between the aims and mode of operation of different CSOs. Hence, it sometimes makes sense for national laws to circumscribe the functions of CSOs.

⁵⁹ Ibid.

⁶⁰ Kristen McConnachie, “Truth Commissions and NGOs: the Essential Relationship,” International Center for Transitional Justice and CDD-Ghana Occasional Paper Series (April 2004).

⁶¹ Roht-Arriaza, “Civil Society in Process of Accountability,” 97–114.

⁶² Glasius, “Global Civil Society and Human Rights,” 147-163.

The CDD and the Civil Society Coalition on National Reconciliation

The Ghana Centre for Democratic Governance (CDD) assumed a lead-role in mobilising other non-state actors to influence the work of the Commission. The CDD is an autonomous, non-political and not-for-profit research, advocacy and research-based think-tank in Accra-Ghana. Established in 1998, it is dedicated to the promotion of democracy, good governance and the development of a liberal political and economic environment in Ghana and the African continent at large. Since its establishment, the CDD has engaged in a number of activities related to governance, peace and security, and human rights, among others.⁶³ Many of the Centre's capacity building projects can be classified broadly under the banner of peace building, including civil-military relations, land conflict management and issues related to security and crime.⁶⁴ It also focuses on issues related to good governance, free and fair election, and matters that border on improving civil society capabilities and/or its relations with government.⁶⁵ Based on these objectives, the

⁶³ "Services: Training/Capacity-Building," CDD-Ghana; available from <http://www.cddghana.org/service.asp?cnid=15>; accessed 10 Feb. 2011.

⁶⁴ Ibid. For example, in 2000, the Centre organised a workshop with representatives from the Commission on Human Rights and Administrative Justice (CHRAJ), the Ghana Bar Association, African Security Dialogue and Research and commanders from the Ghana Armed Forces to review a draft report on "Civil-Military Relations in Ghana." Similar fora have been held to facilitate dialogue between the military and civil society relations in the country; peace building and conflict management (as exemplified by the 1998 seminar on "Conflict and Conflict Management in Africa" facilitated by Professor Donald Rothchild of the University of California); the role of civil society in conflict resolution and reconciliation (as per the one organised for members of the GHANEPO on "Conflict, Peace and Reconciliation"); issues related to crime and security (as demonstrated by the seminar on "Crime and Security in West Africa Sub-region) that brought together security experts from Ghana, Guinea, Sierra Leone, and Togo.

⁶⁵ Ibid. Cases in point include workshops and trainings organised for these bodies on several occasions. For example in 2000 the Centre organised a workshop on "Strengthening Civil Society Advocacy in Expenditure Monitoring" in an attempt to bring together civil society closer to

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CDD brought other civil society organizations to form the Civil Society Coalition on National Reconciliation in March 2001. The Coalition developed a national transitional justice framework in three main areas: conceptualization of national reconciliation, public and legislative consultations, and public space.⁶⁶

Conceptualization of National Reconciliation

The CDD in conjunction with the Coalition conducted a nationwide survey⁶⁷ on the opinions of the public about a prospective reconciliation commission in the country. The results of the survey indicated an overwhelming support among Ghanaians (89% of respondents) for such an exercise. This indication from the public led the CDD and the Coalition to organize a national conference, followed by a series of focus groups in the Northern, Ashanti, Brong Ahafo and Volta regions in the country to discuss ways in which such a Commission could productively function.⁶⁸ The result of these

government's day to day policy making. Members who attended the seminar were CIVICSOC/SAPRI and the Parliamentary Finance Committee.

⁶⁶ Franklin Oduro, "NGO Relationship with Truth Commission in Ghana," in Kristen McConnachie, "Truth Commissions and NGOs: the Essential Relationship," International Center for Transitional Justice and CDD-Ghana Occasional Paper Series (April 2004).

⁶⁷ CDD-Ghana, "Public Opinion on National Reconciliation in Ghana: Survey Evidence," Research Paper No. 10 (2001). The survey captured the views of 1000 Ghanaian between 25 years and over in all the ten regions of the country in May 2001 about their attitude and opinions towards national reconciliation and perceptions of human rights abuses of past governments from 1957-2000.

⁶⁸ The theme for the conference was "National Reconciliation: International Perspectives" and was aimed at encouraging discussion on the Ghanaian reconciliation process. Among those who attended were Dr. Alex Boraine, then Deputy Chair of the South African TRC and later President of the International Center for Transitional Justice; Priscilla B. Hayner from the International Center for Transitional Justice; then-Attorney General and Minister of Justice in Ghana, Mr. Nana Akufo-Addo; then-Speaker of the Ghanaian Parliament, Rt. Hon. Peter Ala Adjetey; then-Chief Justice of

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events was the drafting of a twelve-point declaration that outlined how the government should proceed with its plans of national reconciliation and which also formed the basis of the legislation that eventually gave birth to the Commission.⁶⁹

Law-making and Advocacy Role

In partnership with the Parliamentary Committee on Constitutional, Legal and Parliamentary Affairs, the Coalition organized an international conference on the “Technical Review of the National Reconciliation Bill” at Elmina in the Central region to critically review the draft Bill of the NRC and also to recommend, where necessary, modifications and additions to the Bill before its Second Reading in parliament.⁷⁰ Participants to this conference included Parliamentarians from the Ghanaian Parliament, members of the Council of State and civil society organizations. Also, representatives from the International Centre for Transitional Justice collaborated with local experts to help in reviewing the Bill. The review process was followed by a nation-wide consultations and information campaign that saw the publication of the Commission’s draft legislation in major newspapers in the country. Following the passage of the National Reconciliation Commission Bill into an Act, the Coalition organized series of workshops for media practitioners on how to productively cover the proceedings of the Commission. Experts to these workshops were invited from South Africa, Nigeria, England, and the USA.⁷¹ These workshops were followed by an aggressive nationwide publicity campaign through television and radio talk shows, dramas, and public forums to raise awareness and encourage discussion and understanding among citizens. Also, abridged versions of the National Reconciliation Act were also printed and widely

Ghana, Justice E.K. Wiredu; national political parties, opinion and religious leaders and members of the civil society.

⁶⁹ Oduro, “NGO Relationship with Truth Commission in Ghana.”

⁷⁰ CDD-Ghana, “NRC: Matters Arising,” in *Democracy Watch*, 4.1 (March 2003): 1-5.

⁷¹ Ibid.

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distributed. The Coalition also embarked on a “nation-wide mopping exercise” after the closure of the Commission’s Zonal Offices throughout the country, to give chance to victims who still wanted to petition the Commission to do so.⁷²

In this way, the CDD also provided a platform for civil society discussions. This platform, in addition to the focus group discussions organized earlier, provided Ghanaians an opportunity to openly express their opinions on a very important national exercise and also created a modern direct democracy that bridged the wide gap between members of the civil society and government. The CDD notes that members of the Parliamentary Committee on Constitutional and Legal affairs and other parliamentarians led discussions on national reconciliation at the above forums and an average of 300 participants mainly from civil society groups and the general public attended.⁷³

Provision of Expertise and Training for members of CSOs

The media—the Ghana Journalist Association—was part of the civil society organizations that formed the Civil Society Coalition on National Reconciliation in Ghana. As part of the Coalition, journalists were not only trained on how to report issues of human rights violations but also how to do that ethically. A code of conduct—which became known as the “Spirit of Akosombo”—was developed to help journalist report the Commission’s process in an ethical manner. The “Spirit of Akosombo”, as noted by Sarpong, was adopted by the National Consultative Committee of the Ghana Journalists’ Association, following fears that unregulated coverage of the Commission’s proceedings could be more “divisive and potentially deepen conflict” at the communal and national

⁷² K. Appiagyei-Atia, K. “Ghana: the Road to Peaceful Co-existence and Reconciliation,” *Transitional Justice Monitor*, 1.2 (2008): 4-6.

⁷³ CDD-Ghana, “NRC: Matters Arising.”

levels.⁷⁴ In a cautionary fashion, the code addresses some prime aspects of the relationship between the media and the work of the Commission including reporting of proceedings, the target audiences and roles and attitude of the press during the work of the Commission.⁷⁵ Thus, the CDD helped circumscribe the parameters of media reporting during the reconciliation process in the country.

This is indeed an applauded role of paradigm-shifting except the little challenges that the Coalition encountered with media reporting of the event afterwards. The main concern of the Coalition as far as the media was concerned was irresponsible reportage and therefore concentrated on promoting an “ethical media behaviour” and not substantial media coverage of the proceedings.⁷⁶ This action was based on the assumption that the Commission’s work will self-generate media interest and trigger extensive coverage. The National Media Commission, however, later realized that the media was not as interested in the Commission’s proceedings as they initially assumed and had to quickly work with the Coalition and the Ghana Journalist Association to lobby media managers and editors to take on board pertinent issues arising from the work of the Commission.⁷⁷

However, this did not bring to an end the challenges encountered by the Coalition in relation to media reportage of the Commission’s proceedings. The media was perceived, in many regards, as a pawn in a politically-charged reconciliation process. As a result, some media houses were suspected to be influenced politically, to report the work of the Commission in a

⁷⁴ George Sarpong, “NGOs, Media and Truth Commissions: the Ghanaian Experience,” in Kristen McConnachie, “Truth Commissions and NGOs: the Essential Relationship,” International Center for Transitional Justice and CDD-Ghana Occasional Paper Series (April 2004), 22.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

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manner that favoured their partisan leanings.⁷⁸ Valji points out that some newspapers selected stories from the Commission that either added to the political capital of their parties or were very damaging to rival political parties.⁷⁹ The politicization of the reportage of the Commission's hearings took away the important lessons that the citizens were supposed to learn from the work of the Commission and rather heightened the accusations that the establishment of the Commission was politically motivated.⁸⁰ This did not only breach the "Spirit of Akosombo" but also undermined the credibility of the media as an independent democratic institution.

Assessment of the Civil Society Coalition on National Reconciliation

Undoubtedly, the work of the Coalition brought policy making to the door steps of average Ghanaians whose representatives in parliament took a rather partisan approach to this important national exercise. By engaging the public to contribute to the direction of the reconciliation process, it became more participatory and people-centred. The then programs officer in-charge of the transitional justice unit at CDD, Abigail Gyimah notes that the Coalition was a "useful conduit for the exchange of information instrumental in articulating, on one hand, public sentiments and perceptions on the Commission's performance

⁷⁸ This partisan influence also motivated the alleged act of some employees of the Commission leaking damaging stories to newspapers sympathetic to their parties. The CDD (2004) condemned the leaking of sections of the final report, which were very damaging to both the then-opposition NDC and the PNDC, to pro-government newspapers. See CDD-Ghana, "NRC Report Leakage: Reparation and the Way Forward," *Democracy Watch*, 5.4 (December 2004): 11.

⁷⁹ Valji, "Ghana's National Reconciliation Commission: A Comparative Assessment."

⁸⁰ Valji notes that the work of the Commission was plagued with accusations of bias in the way witnesses perceived to be pro-Rawlings or PNDC were treated. She further notes that the chairman of the Commission, Justice Kweku Etrew Amua-Sekyi was in particular alleged to have put up this behaviour.

to the Commission; and, on the other hand, enlisting public support for the Commission by fostering a wider societal appreciation of the Commission's enabling statute, its work and the challenges and prospects it faced."⁸¹ This two-way flow of information created consensus and unity of purpose between the Commission and Ghanaian civic groups which was lacking among the country's political elite.

It is important to state that though the CDD-led Coalition on National Reconciliation did a great job, the political-leaning of the CDD has been questioned. For example, Frank Ohemeng points out that two executive members of the CDD are card-bearing members of the New Patriotic Party and thus their political neutrality as a think-tank cannot be guaranteed.⁸² Arguably, having two executive members of the organization as card bearing members of a political party is not a problem since they can clearly demonstrate impartiality as far as their responsibility towards reconciliation in the country is concern. Yet, a lot of concerns were raised regarding this. For example, it was believed that since the NDC was not interested in establishing a TRC (one of the reasons for the delay in starting the reconciliation process in Ghana as stated earlier) but the NPP did, it stands to reason that the enormous support that CDD gave to the creation and work of the NRC was mainly because of their political support for the NPP. The NPP government of the time initially wanted only military regimes (except that of 1966, which the NPP supported) to be investigated by the NRC and not civilian regimes (which would have included previous NPP governments) even though it is generally agreed that human rights violations have been committed by both civilian and military regimes in Ghana. Ameh has discussed the "door of hope" versus the "window of opportunity" debate that resulted from this stance of the then

⁸¹ Interview with Abigail Gyimah, former program officer in charge of the transitional justice unit, at the CDD in Accra, Ghana on 10 Feb. 2008.

⁸² Frank Ohemeng, "Getting the state right: think tanks and the dissemination of New Public Management ideas in Ghana," *Journal of Modern Africa Studies*, 43.3 (2005): 443-465.

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ruling NPP government.⁸³ In the end, the position of the government left many wondering if the NRC was only created to witch-hunt functionaries of their rival NDC party.⁸⁴ Understandably, the consequence was that many pro-NDC civil society groups and individuals were unwilling to be part of the Coalition and did not lend support to its work either nor that of the NRC. Therefore, any further review of the Coalition's role in the National Reconciliation Commission must contend with this perceived bias.

Further, despite the large representation shown by civil society groups in the Ghanaian transition process, there was, however, no identifiable women group among the Coalition or outside of it that represented their interest. Like many transitional justice processes,⁸⁵ the Ghanaian one was gender supportive in both its design and public hearings. Among the Commissioners were three respectable women: Professor H.J.A.N. Mensa-Bonsu, law professor at the University of Ghana; Professor Abena Dolphyne, former Pro Vice-Chancellor of the University of Ghana; and Dr. Sylvia Boye, an educator at the West African Examination Council. Another woman who held a high position within the NRC was Dr. Araba Sefa-Dede, a Professor of psychology at the University of Ghana Medical School, who led the Counselling Unit and was supported by other female staff. This is very significant given that women have mainly been excluded from decision making process in the

⁸³ Ameh, "Uncovering Truth: Ghana's National Reconciliation Commission Excavation of Past Human Rights Abuses," 345-368.

⁸⁴ Seidu Alidu, "The NRC and Reconciliation in Ghana: an Assessment," *The Review of International Affairs* 1138-1139.LXI (2010): 153-177; Ayee, "Political Leadership and Democratic Consolidation," 79-99.

⁸⁵ See the cases of South Africa, Peru and Sierra Leone which widely incorporated gender perspectives into the work of their Commissions through a gender-based analysis of human rights violations and a recommendation for an engendered reparation programmes. For a detailed analysis of these TRCs, See The World Bank (2006) *Gender, Justice and Truth Commissions*, New York.

country from the informal household/family level to the formal national policy making level.⁸⁶

Even though this was designed to give confidence to female victims to come forward and petition the Commission and also discuss their problems with Commissioners and counsellors, it was also in tune with the United Nations Security Council resolution 1325 and related resolutions⁸⁷ which called for an “increased women representation and participation in decision making processes that are aimed at preventing, managing and resolving conflicts.”⁸⁸ However, the mere inclusion of women as Commissioners in the NRC does not necessarily guarantee that women’s grievances would be addressed. This requires strong women’s groups to lobby for it which unfortunately was missing.⁸⁹ Mensa-Bonsu believes that the political tension surrounding the establishment and proceedings of the Commission as well as illiteracy among majority of women in the country could partially explain the lack of women lobby group during the NRC’s proceedings.⁹⁰ However, majority of women were part of the victim group that benefitted from the government’s reparation programme. If inadequate information (about the work of the Commission) could explain the general lack of participation from women groups in the Commission’s process, it is amazing how women

⁸⁶ A.A. Apusigah, “Gender, Vulnerability and the Politics of Decision-making in Ghana: the case of the Upper East Region,” *Ghana Journal of Development Studies* 1.2 (2005): 6-25.

⁸⁷ See Resolutions 1820 passed in 2008, 1888 passed in 2009 and 1889 passed in 2009.

⁸⁸ S/RES/1325 passed on 31 Oct. 2000.

⁸⁹ For example, during the Ugandan Juba peace negotiation process in 2006, the Ugandan Women’s Coalition for Peace was formed to “attain sustainable peace in Uganda” through acts of “lobbying” for women’s “inclusion” in all the five agenda items of the peace process. See A.M. Goetz, “Guidance Note: Identifying Women’s Peace and Security Priorities: Building Voice and Influence,” UNIFEM (2010).

⁹⁰ Mensa-Bonsu, “Gender, Justice and Reconciliation: Lessons from the Ghana’s NRC.”

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became so involved in the reparation stage of the Commission's work.

What could be a possible explanation, besides the politicization factor, is the general belief held by many victims that they have moved beyond the crimes committed against them and would not want to re-live those horrible experiences by participating in the Commission's proceedings. This view reflects one of Ameh's typologies of attitude of Ghanaians towards the establishment of a reconciliation commission in the country.⁹¹ Labelled as 'passive', this group of Ghanaians (made up of mainly victims of past human rights violations) admitted that the country has witnessed severe human rights violations. Yet, they do not support any form of formal investigation into such crimes. They believed such a task will only rake the old wounds of victims who have attempted to live above those crimes committed against them.

Conclusion

The Ghanaian TRC was a very unique one not only in the nature of the precipitating factors but also regarding the time taken to institute justice and accountability measures for victims. Yet, this delay suggests that it is not only in fragile states or those emerging from destructive violent armed conflicts that the TRC process is deemed to be necessary. It also demonstrates that civil society groups can become a force to reckon with in periods of transitions when they portray a unity of purpose and collaboratively work together through coalitions than each trying to single-handedly influence the work of the transition in line with its mandate – i.e., pro-rule of law, pro-democracy and pro-gender. On the other hand, it also shows that coalitions of the nature formed in Ghana has the tendency of either limiting the number of civil society organizations that participate in the transitional processes or it may completely become ambitious

⁹¹ Ameh, "Doing Justice after Conflict: The Case for Ghana's National Reconciliation Commission," 85-109.

and perform tasks outside the original mandate of its coalition members. This may happen when such coalitions are not representatively done or where some civil society groups may be unwilling or unable to join such groups for whatever reason.

While the Commission has concluded its work, the country is still desperate to sustain what little reconciliation gains it made following the work of the Commission. The numerous religious,⁹² political⁹³ and ethnic⁹⁴ conflicts still ongoing in the country cast a shadow of doubt on the achievements of the NRC and by implication, that of the Coalition. Worst of all, civil society organisation think-tanks such as the CDD, the Institute for Economic Affairs (IEA) and IMANI are not helping matters by their perceived support for particular political parties even as they choose not to comment on actions and utterances of their favourite political parties that are perceived in negative light by the general public or even hide research findings that do not portray a positive image of their parties. Even as we conclude this paper, a huge controversy has erupted in the country about the neutrality of these think-tanks. It started with a Ghana News Agency (GNA) news item on the abuse of incumbency by the previous NPP government in the run-up to the 2008 general elections. According to the GNA, the source of the news item

⁹² These religious disputes have been recorded between intra-Muslim groups such as the Sunnis and the Ahmadiyya Muslim Mission; inter-religious such as those skirmishes between Christians and the Ga traditionalist over a ban on drumming.

⁹³ Political conflicts include those fought mainly between the New Patriotic Party and the National Democratic Congress across the length and breadth of the country and also within each of these political parties such as the agitation and acts of vandalism committed by NDC foot soldiers; and within the NPP is mainly between the Alan Kyeremanteng and Nana Akufo-Addo factions.

⁹⁴ These type of conflict also manifest in two different ways: inter-ethnic conflict such as those fought between the Kusasis and the Mamprusis, the Konkombas and the Nanumbas; and also at an intra-ethnic level such as those fought between the Abudu and the Andani royal gates to the Dagbon skin.

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was a report posted on the website of the IEA.⁹⁵ The IEA allegedly removed the report from its website and denied ever writing and posting such a report on its website.⁹⁶ Yet the IEA indeed had posted the report on its website, although it was removed after the GNA news item was published.⁹⁷ Clearly, the IEA did not want ordinary Ghanaians to be made aware of its negative research findings about the NPP government. Ironically, several days into the controversy, IEA announced its code of conduct for political parties during the up-coming 2012 general elections.⁹⁸ With its credibility deficit in the above case, one wonders if the IEA would be taken seriously by all political parties in the country.

The state has set up a National Peace Architecture, through the National Peace Council Act 2010, consisting of National, Regional and District levels Councils that will help prevent, manage and resolve religious, political and ethnic conflicts. Since the Council has barely started its work, it may be too early to measure its impact. However, the establishment of such a structure almost seven years after the NRC has finished its work indicates that Ghana still needs some healing.

⁹⁵ Ghana News Agency, "IEA Slams NPP for 'Abuse' of Incumbency in Election 2008," Ghana Home Page, available from <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=216387>; accessed August 15, 2011.

⁹⁶ Citifmonline, "IEA Denies NPP Incumbency Abuse Story, Ghana Home Page, available from <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=216436>; accessed August 16, 2011.

⁹⁷ Ghana News Agency, "GNA Wins Credibility Battle with IEA: Truth Stands," Ghana Home Page, available from <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=216546>; accessed August 17, 2011.

⁹⁸ Ghana News Agency, "IEA Reviews Code of Conduct Ahead of Election 2012," Ghana Home Page, available from <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=216860>; accessed August 22, 2011.

Reconciliation is both a process and a goal.⁹⁹ Ghana has finished with the former; however, the latter is still in the works.

⁹⁹ D. Bloomfield, "On Good Terms: Clarifying Reconciliation," The Berghof Research Centre for Constructive Conflict Management, Berlin, Report No. 14 (2006).