

Review

Disseminating the national reconciliation commission report: A critical step in Ghana's democratic consolidation

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Truth and reconciliation commissions (TRCs) as transitional justice and conflict resolution mechanisms, have gained international prominence, especially following South Africa's much publicised TRC experience. Among other things, TRCs are expected to contribute to democratic consolidation by correcting the historical narrative, acknowledging past human rights violations and fostering a human rights culture in nascent democracies. This was the spirit in which Ghana's National Reconciliation Commission (NRC) executed its mandate from 2002 to 2004. However, a decade after the commission issued its final report, this article reflects on the failure of the Ghanaian state to disseminate the report. It is argued that the failure to disseminate the NRC Report could jeopardise the commission's potential contributions to sustainable reconciliation, human rights and democracy in Ghana. This article accounts for the failure to disseminate the report, and makes corrective recommendations as well as suggestions for future research.

Key words: Transitional justice, human rights, Ghana, national reconciliation commission, truth and reconciliation commissions, authoritarian enclaves.

INTRODUCTION

More than decade after Ghana's National Reconciliation Commission (NRC) delivered its final report following extensive hearings and consultations on the West African postcolonial nation's human rights past, the report is yet to be disseminated, and it might never be. The NRC was established by an Act of the Parliament in the J. A. Kufour New Patriotic Party (NPP) administration to investigate the country's history of extensive state-

sponsored human rights abuses. In establishing the NRC (a truth and reconciliation commission or TRC), the NPP administration and its parliamentary majority sought to denounce past incidents of human rights violations, assemble an accurate historical record that will inform the evolution of the nation's democratic dispensation, and develop human rights discourse in Ghana to contribute meaningfully to the consolidation of that

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dispensation. We suggest that a committed public communication of the report is vital to the achievement of the goals set for the NRC. By way of context, this paper briefly discusses the concept of TRCs as instruments of transitional justice, and also provides the background to the establishment of the NRC, its mandate, and its key findings. We examine the possibility of deepening a culture of human rights and informing political culture through the dissemination of a TRC's final report. This article then accounts for the failure to actively disseminate the NRC Report (a confirmation of a prediction made in a previous assessment of the NRC's impacts), and consequences of this failure. We conclude with some recommendations for disseminating the NRC Report in Ghana. Though Ghana's TRC experiment was concluded a decade ago, there is a paucity of work dedicated to its impacts.¹ This paper joins the conversation to engender more research in this regard, and hopefully, return the NRC's work to the public agenda in Ghana. While the article is Ghana-focused, the reflections herein are of consequence to future transitional justice initiatives in other parts of the world.

Truth commissions as transitional justice instruments

Transitional justice refers to "formal and informal procedures implemented by a group or institution of accepted legitimacy around the time of a transition out of an oppressive or violent social order, for rendering justice to perpetrators and their collaborators, as well as to their victims" (Kaminski et al., 2006: 295). Therefore, the key moments articulated in transitional justice discourse are: 1. A change in a nation's political dispensation from one of oppression and violence (e.g. a dictatorship or civil war) to one that values a respect for human rights and enjoys political legitimacy (e.g. through a popular vote); and , 2. Procedural structures established to confront past human rights abuses.

The field of transitional justice as an area of study developed rapidly in the aftermath of radical political transitions in Latin America and Eastern Europe in the eighties (du Toit, 1994), as well as the end of apartheid (and the consequent emergence of democracy) in South Africa in the nineties. It seeks to negotiate the ethical and legal conundrum created after repressive authoritarian governments have given way to democratic regimes (Hayner, 2011). The main concern is often that of dealing with past human rights abuses, while at the same time recognising the fragility of emergent democratic societies or regimes, and the threats posed by still powerful institutions and elements associated with former regimes (Benomar, 1995; Herz, 1989; Huyse, 1995; Rosenberg, 1999). The TRC is an instrument of transitional justice recognised as being viable in such circumstances (du Toit, 1994; Ignatieff, 1996; Rosenberg, 1999; Walzer, 1997). This is an official body tasked to "investigate and report on a pattern of past human rights

abuses"² (Hayner, 2011: 17), and the goals of establishing such a body are myriad, such as promoting reconciliation through knowledge of the truth about past human rights abuses, providing reparations and apologies to victims, and preventing a recurrence of past abuses (Hayner, 2011; Ignatieff 1996). Transitional justice scholar Priscilla Hayner also observes that the "the obligation about making public the truth about past abuses has been recognized as a state obligation under international law" (2011: 23). The NRC made a similar observation (2004 Vol. 1 Ch. 1: 1). In nascent democracies, the goals of a TRC are in part achieved through the publication of an accurate record of past human rights abuses, with the anticipation that a more accurate national historical narrative and a robust culture of human rights would result, which in turn would positively influence political culture (Adu-Berinyuu, 2004; Gibson, 2004; Hayner, 2011; Reddy, 2004-2005).

Historical context of human rights abuses in Ghana

The violence and human rights abuses located in Ghana's history do not compare with the human rights abuses and social convulsions that have wracked other African countries such as South Africa, Sierra Leone, and Liberia (Ameh, 2006a; 2006b). As Ghanaian academic Robert Ameh observes, "having had the same President from 1981 to 2000; four successful democratic elections in 1992, 1996, 2000, and 2004; and the first ever change in government through the ballot box in 2000, Ghana could be described as one of the few countries in sub-Saharan Africa that has enjoyed a relatively long period of political stability" (2006b: 85). Following the Ameh's assessment, Ghana has successfully held two more elections: one in 2008, and the other in 2012. That the 2008 presidential elections were decided by a razor-thin margin of approximately 0.50 percent (Gyimah-Boadi, 2009), and the 2012 elections were finally settled by a Supreme Court decision without the nation degenerating into a violent upheaval, is further evidence of Ghana's promising democratic credentials. Yet, Ghana's political history is replete with gross human rights violations and ethnic conflicts that have spawned legacies which threaten social cohesion, development, and Ghana's nascent democracy (Ameh, 2006a; 2006b). This is traceable to colonialism, the violent inter-political conflicts that characterised the struggle for independence, as well as the numerous coups d'état that have occurred in Ghana since independence in 1957.

The last two military governments that resulted from these coups d'état, the Armed Forces Revolutionary Council or AFRC (1979) and the Provisional National Defence Council or PNDC (1981-1992) were particularly brutal, and during those regimes, human rights violations became endemic to the Ghanaian body politic. Ameh classifies these two regimes, both led by Jerry John Rawlings, as being "the most violent political

regimes in Ghana's political history" (2006a: 347). Ghanaian political scientist Kwame Boafo-Arthur also describes the PNDC regime as "a decentralised structure of tyranny and violence" (2005: 104; see also Oduro, 2005; Alidu and Ameh, 2012). As the NRC hearings disclosed, these regimes were characterised by killings and detentions without trial, sexual assaults, torture, trials without due process, disappearances, arbitrary confiscation of property, illegal dismissals, and a wide range of human rights violations (Ameh, 2006a: 347). This prompted the Commission to conclude, in Hobbessian terms, that the AFRC-PNDC eras constituted "a period of bloodletting" during which "life was solitary, poor, nasty, brutish, and short" (NRC, 2004, Vol. 1 Ch. 5: 105).

In 1992, bowing to international and domestic pressure, the PNDC ushered Ghana back to civilian multi-party democracy, but entrenched in the 4th Republican Constitution indemnity clauses that preclude any prosecutions of state functionaries who have in the past committed human rights abuses. This measure was reminiscent of legislative strategies deployed by the military junta in Argentina prior to leaving office in 1983, and Chilean dictator Augusto Pinochet's Amnesty Law in 1978 (Hayner, 2011). Consequently, the transition to multiparty democracy in Ghana can be described as what Samuel Huntington calls a "transformation" (1995: 65). This is a transition in which an outgoing authoritarian regime is sufficiently strong, such that "those in power in the authoritarian regime take the lead and play a decisive role in ending the regime and changing it into a democratic system" (Huntington, 1995: 65). This makes it possible for dominant elements within the outgoing authoritarian regime to determine the nature of the emerging democracy, to legislate amnesties, and "make the amnesties stick" (Huntington, 1995: 70). This is the category in which Huntington places pre-1990 transitions in Latin America such as regime changes in Brazil, Chile, and Guatemala, where, as in the Ghanaian case, outgoing regimes succeeded in legislating amnesties (Huntington, 1995). Similarly, in Ghana, the PNDC was well positioned to determine the entire transitional process. Led by the military head of state, Jerry Rawlings, it successfully transformed itself into a left-of-centre political party: the National Democratic Congress (NDC), and thus was able to legitimise itself by participating in the multiparty democratic process that it had initiated. After successfully winning two elections (in 1992 and 1996) and thereby further consolidating itself as a force in Ghanaian politics, the NDC lost elections to the liberal democratic New Patriotic Party (NPP) in 2000. It is against this background that the NRC was established.

The NRC in Ghana

In 2002, the Kufuor-led NPP administration through the Parliament of Ghana established the National

Reconciliation Commission (NRC) to investigate the extensive post-independence state-sponsored human rights violations and abuses.

The NRC policy was a plank in the NPP's platform during the 2000 elections, and a policy priority for the party after it won elections in December 2000, so that within a year of being in office, the NPP introduced the National Reconciliation Bill in Parliament (Ameh, 2006b: 85). Although the autocratic PNDC era gave way to a democratic dispensation in 1992, in reality, the NPP was the first post-autocratic transitional administration as it signaled a major break from the autocratic past. Thus, the subsequent legislative process leading to the passage of the *National Reconciliation Act (Act 611)* was fraught with controversy both in and outside Parliament (Ameh, 2006b: 86). While the NPP majority in Parliament championed what they argued to be the laudable human rights goals of a TRC, the NDC, which constituted a vocal and powerful minority, rejected a truth commission, framing it as witch-hunt. As noted above, the NDC is the civilian successor to the authoritarian AFRC and the PNDC. It therefore had a lot of political capital to lose if the human rights abuses perpetrated under those regimes were brought to the fore (Alidu and Ameh, 2012). Outside Parliament and in Ghana's vibrant mass mediasphere (this was before the proliferation of social media), the public engaged in a vigorous debate over the necessity of a TRC, and if so, the historical period to be covered by its mandate. The public was also interested in the membership of the proposed TRC, and what the subject matter of its mandate should be (Ameh, 2006b: 86).

The conflict surrounding the NRC Bill in Ghana was not novel. In the case of Guatemala, for example, civil society and victims' groups seeking a stronger mandate for the Historical Clarification Commission set up in 1994 to investigate human rights abuses after more than thirty years of civil war, effectively delayed the start of the commission's work for more than three years (Hayner, 2011: 32). In South Africa, parties in opposition to the post-apartheid government of the African National Congress (ANC) expressed animosity towards the setting up of a TRC in 1995 (Boraine, 2000). The Afrikaner Freedom Front, for example, alleged that the TRC was merely a witch-hunt against the former regime (Boraine, 2000: 39). As in the Ghanaian context, some opponents of the ANC felt that given their actions in the apartheid era, they had a lot to lose politically from an examination of the past. Yet, it is significant that eighty-five percent of Ghanaians surveyed by the highly respected Ghana Center for Democracy and Development (CDD-Ghana) were in favour of a TRC (CDD-Ghana, 2001).

The NRC'S mandate

Section 2 of the NRC law, *Act 611*, stipulated that the NRC was to be constituted by a Chair and eight other

members, all of whom were to be appointed by the President of Ghana in consultation with the Council of State (a constitutionally-mandated body that advises the President). The object of the NRC under section 3 of *Act 611* was “to seek and promote national reconciliation among the people of this country by establishing an accurate, complete and historical record of violations and abuses of human rights inflicted on persons by public institutions and holders of public office during periods of unconstitutional government...” While the NRC was to mainly focus on periods of unconstitutional rule in Ghana, *viz.*, 24 February 1966 to 21 August 1969, 13 January 1972 to 23 September 1979, and 31 December 1981 to 6 January, 1993, it was also mandated to pursue its object by investigating abuses that occurred between 6 March 1957 (the date of Ghana’s independence from colonial rule) and 6 January, 1993 (the inception of the current democratic dispensation), upon application by any person.

The NRC was mandated to investigate violations and human rights abuses within its mandate period that fell under the rubric of “killings, abductions, disappearances, detentions, torture, ill treatment and seizure of properties” perpetrated against persons by “public institutions, public office holders or persons purporting to have acted on behalf of the state” (S.4, *Act 611*). As well, the NRC was to “investigate any other matters which it considers requires investigation in order to promote and achieve national reconciliation.” Within three months of concluding its work, the NRC was to submit its final report, which, among other things, would “suggest measures to prevent and avoid the repetition of ...violations and abuses” (S. 20.2, *Act 611*). The NRC was also to make recommendations to the President for redressing the wrongs suffered as a result of past human rights violations. The life of the NRC was to come to an end after the submission of its final report but the process of national reconciliation would be recognised as work in progress.

In May 2002, President Kufuor inaugurated the NRC, having earlier appointed its members in consultation with the Council of State. The NRC was to be chaired by Justice K. E. Amua-Sekyi, a retired Supreme Court Judge. The eight other commissioners were: Catholic cleric Most Reverend Charles Palmer-Buckle; Maulvi Abdul Wahab Bin Adam, Ameer (Head) and Missionary-in-Charge, Ahmadiyya Muslim Mission, Ghana; Professor Florence Dolphyne, former Pro-Vice-Chancellor of the University of Ghana; Lt-Gen E. A. Erskine, First Force Commander of the United Nations Interim Force in Lebanon; educationist Dr. Sylvia Boye; trade unionist Christian Appiah-Agyei; traditional ruler Uborr Dalafu Labal II; and Law Professor Henrietta Mensa-Bonsu. The president also appointed as executive secretary of the NRC, Dr. Kenneth Agyeman Attafua, a human rights scholar and the Director of Public Education and Anti-Corruption at the constitutionally mandated Commission

for Human Rights and Administrative Justice.

THE NRC’S FINDINGS

The objectives of the Commission embraced not just individuals who had suffered from these human rights violations and abuses, but also the Ghanaian society as whole. Parliament rationalised that confronting past human rights violations was necessary not only to reconcile the nation by assuaging the pain and hurt of victims, but also for the purposes of consolidating democracy, as well as promoting constitutional rule and a culture of respect for fundamental human rights and freedoms. The Commission was interested in the factors and conditions that underpinned, enabled, and accounted for those violations and abuses, and how these violations and abuses can be avoided, going forward. It was in the foregoing context that the Commission, after taking statements from the public, considering 4,240 petitions from persons resident in Ghana and abroad,³ and conducting investigations and hearings across the country, rendered its report.

Cumulatively, the Commission observed “a general lack of knowledge and consciousness and respect for human rights in the country” (NRC 2004 Vol. 3 Ch. 1: 28). A culture of human rights was absent from the nation’s socio-political deep structure as a non-negotiable value. Thus, while a higher number of abuses were reported regarding military regimes, even constitutional administrations yielded records of human rights violations (NRC 2004 Vol. 3 Ch. 3: 150-151).

To address Ghana’s history of egregious human rights abuses that the NRC documented in its report, the Commission made a number of recommendations to be carried out by the state, including the payment of monetary reparations to victims of past human rights violations, the establishment of medical trauma facilities, symbolic reparations, community reparations, restitution for victims of illegal property seizures, institutional reforms, and a reconsideration of the indemnity clauses. It must however be noted that while the NRC public hearings enjoyed extensive coverage on print and electronic media platforms in Ghana and abroad, its report has not been disseminated, beyond excerpts in the media immediately following its release.

The importance of TRC reports

As the Chilean (Adu-Berinyuu, 2004) and South African (Gibson, 2004) examples show, TRCs are expected, through their educative and transformative functions to consolidate democracy and a culture of human rights in their respective national communities. South African Political scientist Andre du Toit argues that truth commissions have the function of “generating and

consolidating new and distinctive conceptions of political morality that can henceforth inform the political culture” (2000: 125). American political scientist James Gibson, who has written extensively on South African politics, believes that it was in this vein that South Africa’s Truth and Reconciliation Commission urged that its report be widely disseminated, on the assumption that a wide circulation and readership would translate into a more successful adoption of human rights values in South Africa (2004: 6). Civil society scholar Paavani Reddy also notes as follows:

The truth commissions, through analysing the testimony of victims, establish the truth about gross human rights violations, which were often denied by the Government. Who were the victims? What were the injustices done to them? Why were these crimes committed and by whom? Commission reports clarify, document and publicise the tortured past, opening it to wide public discussion. This documentation becomes part of the national consciousness and helps to build a culture of respect for human rights and to prevent such crimes from happening again. It also reduces the potential for future denials about the past and conflict over such contention (2004-2005:20).

The mass dissemination of a TRC report is therefore critical to the overall success of a TRC program in shaping national historical narratives and social attitudes. In this regard, it is relevant to consider the following observation made by American jurist Stephan Landsman: Truth commissions can serve even more effectively than trials to educate the citizenry to the nature and extent of prior wrongdoing. Since they are not limited to the individualised facts of a set of prosecutions, they can marshal and disseminate all the relevant facts about an oppressive regime. The record a truth commission can develop is the most powerful tool available to inoculate a society against dictatorial methods (1996: 88).

Gibson’s study has shown that the South African TRC may have significantly contributed to more sensitive attitudes towards human rights in South Africa (2004: 46). To borrow from his assessment of the contribution of South Africa’s TRC to the fostering of a culture of human rights and respect for the rule of law in South Africa, culture in this sense refers not just to the practices of institutional elements (such as the judiciary and security apparatus) but also to “the beliefs, values, and attitudes of ordinary citizens” (Gibson, 2004: 6). The assumption is that a concern for a culture of human rights must go beyond state institutions to encompass civil society (Aidoo, 1993: 713). According to Gibson, “a human rights culture is one in which people value human rights highly, are unwilling to sacrifice them under most circumstances, and jealously guard against intrusions into those rights. Such a culture may stand as a potent (but not omnipotent) impediment to political repression” (2004: 6). Gibson also lists several values and attitudes as being central to a culture of human rights, including “support for

the rule of law; political tolerance, rights consciousness, support for due process, commitment to individual freedom; and commitment to democratic institutions and processes” (2004: 9). To these we add a collective commitment to defending the rights of others against oppression. As the NRC Report (2004 Vol. 3 Ch. 1) reflects, at all material times, this particular value was lacking in Ghanaian cultural discourse.

Without the educative element, the entire rationale for having a TRC instead of prosecutions, is defeated, as human rights concepts emphasised in commission reports do not enter the deep structure of public discourse or state practice. Also, the closest a TRC comes to providing retributive justice for deserving victims is through its individual and institutional accountability role (Posner and Vermeule, 2004). Without an effective dissemination of the commission’s record, this role is defeated; further entrenching impunity and deepening the bitterness felt by marginalised groups and victims, with the potential to unleash future acts of vengeance that could lead to political destabilisation. This is because to the extent that a TRC report incorporates the voices of victims, it recognises and acknowledges their pain and hurt. When a report is muted, the consequence is an attenuation victim voice and agency. Therefore, as Brahm points out, the extent to which a truth commission’s findings are accessible to the public is vital for the achievement of a stronger impact (Brahm, 2007).

As well, TRCs often barter immunity for information, information that would help rectify the record and raise awareness (Landsman, 1996). In this regard, the TRC’s narrative informs future politics. Citizens develop a critical awareness of the past and can make informed political choices in the future, especially choices regarding political actors or public policy proposals. Michael Ignatieff observes that a truth commission has the potential to “reduce the number of lies that can be circulated unchallenged in public discourse” (1996: 112). He also notes that “truth” commissions can and do change the frame of public discourse and public memory,” and that “the past is an argument and the function of truth commissions, like the function of honest historians, is simply to purify the argument, to narrow the range of permissible lies” (1996: 113). In Ghana, the value of the NRC is that it successfully constructed a cumulative record of the systemic nature of state oppression, a record which would create awareness, especially for those born after the return to constitutional rule in 1992, who might have laboured under the impression that state oppression existed only in isolated incidents. While it is possible that some citizens might decline to accept a TRC’s “truth” because of real or perceived bias, or because a commission’s truth might be politically harmful to a category of the society (such as perpetrators in South Africa, Latin America, and Ghana), without efforts to actively publicise the commission’s

report, how would the commission's 'truth' enter the public sphere so that it would be subjected to necessary contestation? It is relevant at this point to account for the existence in Ghana of what Chilean sociologist Manuel Garreton describes as "authoritarian enclaves" (1994: 233) that nestle cheek-by-jowl with democratic institutions in nascent democracies. These enclaves include the legacy of human rights violations from previous regimes, the institutionalisation of constitutional or legislative elements that constrain democratic practice, the existence of certain powerful actors who are not absorbed into the democratic context and who threaten the new democratic dispensation, and fourthly, "the generalised presence of anti-democratic and authoritarian values, mentalities and attitudes" (Garreton, 1994: 233). The last enclave that Garreton identifies provides the enabling environment for human rights abuses.

In Ghana, these enclaves are constituted by elements such as the constitutional indemnity clauses, exercises in what we call "human rights revisionism," and the continued strength of the political party that represents the interests of two of the erstwhile repressive regimes. The choice of a TRC instead of the prosecution of perpetrators of past crimes of human rights abuse often signals the continued political strength of these perpetrators, hence the need for a certain degree of accommodation and compromise (Ross, 2004; Oduro, 2005). The Ghanaian case is no different, as we have pointed out in this paper when describing Ghana's transition as a transformation *a la* Huntington. While the NPP discontinued hitherto official state commemorations of the AFRC and PNDC interventions, senior functionaries of the NDC, which was voted into office again in 2008 after eight years in opposition and remains in power, religiously observe these commemorations in pomp and pageantry, during which speakers routinely engage in human rights revisionism by attempting to rationalise the atrocities committed during those regimes.⁴ The foregoing dynamics make the dissemination of the NRC Report an even more urgent exercise.

THE FAILURE TO DISSEMINATE THE NRC REPORT

Although the NRC hearings were given extensive attention by the mass media, the hearings were pieces of the nation's historical tapestry that needed to be synthesised to make complete sense. This is why the NRC Report, compiled at the end of its hearings and analyses, is important. The NRC Report (five volumes and almost 1500 pages long) was subsequently summarised for easier public access and consumption by CDD Ghana in 2005, and then launched in the various regions of Ghana. CDD Ghana has also held meetings with heads of institutions that came up for negative mention in the report, to discuss post-report reforms.

Beyond the CDD initiative, little else was done to disseminate the report.

Significantly, the NPP administration committed to dissemination when it issued a White Paper in acceptance of the NRC Report, as evidenced by the following excerpt:

Government is satisfied that Ghana can make greater strides if all of us become true apostles and disciples of human rights and raise our collective voices loudly against their violation and abuse. Educational administrations, teachers, and researchers must study the Report of the Commission carefully. Government accordingly directs that copies of the Report should be made available in all school libraries by the Ministry of Education. This should extend to private schools as well. Appropriate parts, as determined by teachers and curriculum developers, should be made required reading. We must all be united in our commitment to ensuring that these violations and abuses would never again occur. (Government of Ghana, 2005)

However, the administration did not follow through with the laudable aspirations outlined above, and made no attempt to ensure the implementation of those policy initiatives.

Human rights researcher Nahla Valji notes that in Sierra Leone, UNICEF has produced a special report on that country's truth commission for the youth, and the Working Group on Truth and Reconciliation has launched a textbook version of the report complete with cartoons and exercise questions to be used in secondary schools (Valji, 2006). Many will find untenable the response of a former attorney general of Ghana that while such an idea is worthwhile, the NPP administration had neither the funds nor a plan to do so (Valji, 2006). As at June 2007, the NPP administration, on the recommendations of the NRC, had paid various sums of money as reparations to victims of past human rights abuse (Adoma-Yeboah, 2007b; Asare, 2008). While such reparations are an essential aspect of the truth and reconciliation process and have a social justice imperative,⁵ the administration could have mobilised the comparatively minimal resources required to finance a distribution of the Commission's report to schools, as the administration committed to do in its white paper. Yet, inquiries conducted by CDD-Ghana at our request disclosed that this commitment has not been followed through.⁶ And as far back as November 2007, Dr. Agyeman-Attafuah who was the executive secretary of the NRC, expressed disquiet about the government's focus on financial reparations to the exclusion of other recommendations made by the NRC (Adoma-Yeboah, 2007a).⁷

To further assess the penetration of the NRC narrative within the public sphere, we conducted a search on *Ghanaweb.com*, a news database that aggregates news reports from Ghana. Like Tsikata (2009), we make the assumption that news databases like *Ghanaweb* serve as

a virtual Habermasian public sphere within which citizens engage with or are exposed to matters of public interest. Therefore, the extent to which the NRC's work continues to be of interest to Ghanaians will be reflected by how often the NRC is referenced substantially in public discourse.

Using the phrase "National Reconciliation Commission," we searched *Ghanaweb* year by year. For the year 2015, there were six entries, with three being the same news story. In all, the NRC had been mentioned in passing and not as the subject of the item. Even when human rights violations occurred, there were no references to the NRC Report in the media. For example when police brutally suppressed a peaceful protest against the Electoral Commission in September 2015 (Bonsu, 2015), none of the resulting commentaries referenced the NRC Report to caution against state-sanctioned political violence. The search results for 2014 were slightly better, with twenty-two items, though again, the NRC was often mentioned in passing.⁸ Not even the tenth anniversary of the NRC Report merited mention. For 2013, there were twelve items, following a similar pattern. 2012 yielded twenty-six items. The foregoing pales into comparison with the number of news items for 2004 (three hundred and fifty-five), 2005 (eighty-one) and 2006 (forty-two). From 2007 (when there were twenty-five hits), the number appears to decline radically. The declining numbers could be due to a decrease in salience as the NRC became more distant in time. But it also signals a decline in significance within the public sphere. It is telling that in 2014, the NRC was not commemorated in Ghana despite its significant contributions and the NRC's recommendation that annual reconciliation lectures be organised "to foster human rights, rule of law and democratic principles" (NRC 2004 Vol. 1, Ch 7: 173).

ACCOUNTING FOR THE FAILURE TO DISSEMINATE THE NRC REPORT

As noted above, the NPP administration did little to publicise the NRC Report. The administration made the executive summary of the report available on the Ghana Government website. As Attafuah (2007) argues, this was a commendable but inadequate measure, because "Internet access in Ghana is very limited and unreliable" (Fosu, 2011: 494) especially for the working poor or those in rural areas. In any event, the link to the report, <http://www.ghana.gov.gh/NRC/index.php>, has been defunct for several years.

The strongest reason for the failure of the NPP administration to disseminate the NRC Report lies in the lack of institutional plans to do so. Valji notes that when the government accepted the NRC Report and pledged to publicise same, it did not provide a clear plan or roadmap for dissemination (Valji, 2006: 41). A clear report dissemination strategy was also missing from the

NRC's mandate. Indeed, the NRC itself did not include a clear dissemination strategy in its report, save for a recommendation that "The findings of the Commission should be used as teaching materials and scripts for drama, film-making, etc., to educate the nation to avoid similar human rights abuses in the future" (2004 Vol. 3 Ch.1: 28). Therefore, once the NRC fell off the public agenda, there was no mechanism in place to ensure that its report was disseminated. As well, as with any government, the administration was faced with multiple priorities and the NRC agenda could not be sustained as a priority (Valji, 2006: 26, Hayner, 2011: 57). Our reading of Valji's paper, as well as conversations with key players such as the CDD's Gyimah-Boadi and Oduro, and the NRC's Agyeman-Attafuah, together with a careful reflection on the NPP's actions in regards to the NRC and its report suggest other factors that influenced the failure to actively disseminate the report.

One key reason was the loss of the NRC's champion in the NPP's policy implementation process. Specifically, Nana Addo Dankwa Akufo-Addo, the NPP's first Attorney General and Minister of Justice, a human rights activist who was closely connected to transitional justice advocates and championed the NRC process, was reassigned to the Foreign Ministry less than a year into the life of the NRC. His portfolio successors in the Attorney General's Department at the time the NRC Report was released did not show as active an interest in the NRC concept. Akufo-Addo is the NPP presidential candidate in the 2016 elections and it will be interesting to observe how he handles the dormant NRC file in the event that he is successful in the elections.

Another factor for the failure to disseminate the report lies in the NRC's observation of the absence of a culture of human rights in Ghana during its mandate period. The absence of a culture of human rights in Ghana signals an absence of an institutional capacity to properly conceive of the normative dimensions of human rights. While the administration was committed to human rights and national reconciliation, and hence paid out reparations, the administration was more focused on the pragmatic aspects of human rights than the normative, philosophical dimensions of the concept.⁹ This normative deficiency is one that public policy scholar David Crocker warns against in his (1999) discussion of transitional justice mechanisms. That is not to say that the payment of reparations lacks moral basis. However, where a government focuses solely on economic reparations to the exclusion of equally relevant symbolic and informational transitional justice recommendations, it brings into the question its understanding of the normative implications of transitional justice. It also demonstrates a narrow view toward reparations, as it privileges financial over symbolic reparations, and thus excludes those who need a symbolic recognition of their pain. Without such symbolic recognition, true reconciliation will remain elusive in Ghana.

The NPP administration's approach to the NRC Report might also have been a result of the existing authoritarian enclaves identified above. These include the continued survival and even dominance of elements associated with past authoritarian regimes. The NPP might have been cautious in handling transitional justice issues, and hence, preferred making monetary reparations to actively publicising the roles of the dominant political elements in the perpetration of past human rights abuses, interpreting its pragmatic approach as being less confrontational, and less prone to allegations of witch-hunting.¹⁰ The point about authoritarian enclaves ties into another significant reason why the report has not been disseminated. The NDC was elected to form the ruling government again in December 2008. As previously explained, the NDC had been hostile to the NRC *ab initio* and therefore there was no policy commitment to furthering the work of the NRC once the party took office. The party subsequently won the 2012 elections.

CONCLUSION, RECOMMENDATIONS AND FUTURE RESEARCH

As Ghana continues to make strides in its democratic experiment, it is obvious that there is still work to be done to ensure the growth and sustenance of a democratic culture in the nation. For example, the rise of media irresponsibility in the form of ill-managed talk-shows that provide a platform for political intolerance and ethnic incitement potentially attenuate the public sphere (Fletcher, 2014: 27) and negatively impacts democratic development. Political violence and violent political discourse have gained disturbing proportions in recent years,¹¹ and dominant political parties are all affiliated to armed militias.¹² Indeed, political violence exists not only at the inter-party level but also at the intra-party level, often resulting in serious casualties among political rivals, a recent example being the politically-motivated acid attack on an NPP regional chairman in May 2015. The victim died as a result of horrific acid burns (Abdul-Hamid, 2015). Despite the NRC's recommendations (2004 Vol. 3 Ch.1), there are still incidents of state security abuse of detention powers and disregard for judicial orders (see Baneseh, 2016 for a recent example), as well as the use of the state security apparatus to protect regime interests (see Ibrahim, 2016 for a recent example). It is not uncommon these days for opinion leaders, including those in the NPP, to muse publicly about either the desirability of a military intervention in Ghanaian politics or the inevitability of one, going forward.¹³ These are all inconsistent with a meaningful mainstream pro-democratic human rights culture, and true national reconciliation.

In this article, we have attempted to emphasise the importance of disseminating the NRC Report to contribute meaningfully to democracy in Ghana especially by

mainstreaming a more accurate historical narrative and a robust culture of human rights in Ghana. We have also accounted for the failure to actively disseminate the NRC Report. Valji's comparative examples of truth commission report dissemination sum up our views on the subject:

An adequate dissemination strategy for the work of a truth commission is an integral component to the commission's long-term success and relevance. In particular, in the absence of a policy aimed at integrating both the work and findings of a truth commission into the curricula of schools, there is no impact made on subsequent generations and no lasting contribution to understanding the role of military rule in violence and oppression. Moreover, proper dissemination furthers acknowledgement for the victims and is in itself a form of reparation. In Argentina, where the CONADEP report has been reprinted no less than 25 times, one victim said, 'It is the most read book in the history of Argentina... CONADEP is still having an impact on new generations.' Some truth commissions, after the initial investment of time, money, and human resources in collecting the information, have seen that their reports have no reach or impact. Such was the case in Uganda; after eight years of work, the final report, containing 720 pages of testimony, analysis, and recommendations, along with names of victims, has never made it beyond the hands of a select few in government and donor offices. (2006: 41-42)

Transitional justice scholar Joanna Quinn has also argued that one of the undoings of the Ugandan truth commission is that its report was not disseminated to the public, with the effect that only the Commissioners were impacted by the enormity of the testimony given during the commission's hearings (Quinn, 2004). Thus, there has been little opportunity for the Ugandan commission to effect change in the wider national community.

Sadly, this paper confirms the predictions Valji made in 2006, just two years after the NRC had wrapped up, that "the reality is that implementation of the [NRC's] recommendations, beyond a reparations policy, is unlikely to happen in the near future, if at all" (2006: 41) due to a lack of monitoring commitment on the part of the NPP administration.

While the NPP administration that commissioned the NRC is no longer in office, the work of the NRC is relevant to Ghana, irrespective of the political party in power. With all its limitations, the NRC, like South Africa's TRC, offered Ghana a bloodless, less acrimonious path to transitional justice. The human rights culture that the NRC advocated continues to be relevant, although we fear that with the current dominance of the NDC in Ghana, the possibilities of the NRC Report being disseminated are minimal.¹⁴ This is because as stated above, the NDC has been ideologically opposed to the NRC. It views the NRC as disproportionately targeting the party's ideological origins¹⁵ (Alidu and Ameh, 2012). That

being said, continuing with the NRC agenda will be a politically wise choice for the NDC as it will promote true reconciliation with people who might be hostile to the party because they (or loved ones) suffered under its predecessor military regimes. Following through with the NPP's commitment to disseminate the NRC Report will also demonstrate the NDC's commitment to human rights.

We recommend that the government returns the NRC Report to its website, and strikes a committee to disseminate the NRC Report. This committee will coordinate the National Commission for Civic Education, the Commission for Human Rights and Administrative Justice, the Ministry of Education and the Ghana Education Service, the communications arms of the government, as well as civil society bodies to publicise and stimulate public discourse around the report. To these key state actors, we add the Ministry of Education, and the Ghana Education Service. These institutions must take active steps to integrate the NRC Report into the school curricula in Ghana. As well, the report itself must be rendered in as many accessible versions as possible. Also, there is a need for documentary films and other media products that would raise awareness about the NRC's findings, and generate public discussion around the report. We suggest that if he becomes president of Ghana in 2016, Akufo-Addo considers the recommendations made herein to complete the significant contributions he made to the NRC process.

Our recommendations are without prejudice to the realisation of all the other recommendations made by the NRC to the Government. We see the recommendations as being mutually complementary, and in this regard, Attafuah's (2007) matrix of outstanding recommendations that government, civil society organisations, and the public must carry out, is a useful policy roadmap.

We have approached the subject with the assumption that the Ghanaian state has the greatest responsibility in the dissemination of the NRC Report. However, civil society also has a role, despite relatively limited resources as compared to the state. We therefore recommend that civil society reinstates the NRC Report on the public agenda, especially through media interventions when issues of potential human rights abuse arise. In other words, the elements from the report must be moments in the articulation of civil society discursive responses to human rights issues or crises. Civil society must also consider how abridged versions of the report can be made available to Ghanaians in the various local languages. Further, in the contemporary media ecology, it is possible for civil society organisations to upload the report to their websites and social media as a research resource.

What about other jurisdictions that might consider the TRC option, going forward? The Ghanaian experience should inform a TRC model that is well resourced, has a strong public communication mandate and strategy, and

a clear plan for report dissemination.

The failure to disseminate the NRC Report creates the risk of collective amnesia about the commission's findings and its exhortation that "Never again shall such wrongs be a feature of governance or a feature of life in this beautiful land of our birth" (2004 Vol. 1 Ch. 8: 182; Vol. 3 Ch.1: 2). Democracy is still at a nascent stage in Ghana, and the NRC was an essential policy instrument with the potential to positively impact the country's political development. As Serbian jurist Nenad Dimitrijevic (2006) argues, post-transitional societies require the development of new ethical and moral foundations to replace what has been entrenched under authoritarian, criminal regimes, hence, the value of TRCs as instruments of transitional justice. In that sense, the task of "addressing the past in order to change policies, practices, and even relationships in the future, and to do so in a manner that respects and honors those who were affected by the abuses" (Hayner, 2011: 11) is considered a *raison d'être* for truth commissions. That the strong authoritarian enclaves identified in this paper continue to exist is sufficient evidence of the threats facing the development of true democracy and national reconciliation in Ghana. In the near future, an empirical study such as that conducted by Gibson (2004) to determine the success of the TRC in South Africa in mainstreaming a culture of human rights would be vital to assess the effectiveness of Ghana's NRC.

Conflict of interests

The authors have not declared any conflict of interests.

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¹For example, Oduro's (2005) comprehensive article on Ghana's NRC, published immediately following the completion of the NRC's work, looks more at rationales for the TRC model in Ghana and prospects of success. Similarly, Ameh's (2006a) article on the NRC sheds light on the public discourse surrounding the setting up of the commission, and provides rationalisations for the choice of a TRC in Ghana. His second article (Ameh, 2006b) on the subject deals with the NRC's approach to truth in its hearings. His recent work on the NRC, written with Alidu (2012) focuses on the role of civil society organisations in the NRC's work. Valji's (2006) comparative assessment of the NRC some months after it concluded its work, provides a good point of departure for this paper. As well, Hayner's (2011) treatment of the NRC, while limited in scope, provides critical observations.

² While a truth commission in the strict sense is merely a fact-finding body, some truth commissions have "the mandate of promoting reconciliation" (Hayner, 2011: 19). Within the context of this article, however, the terms "truth commission" and "truth and reconciliation commission" are used interchangeably as Ghana's commission had a dual fact-finding and reconciliatory intent.

³ As Hayner notes, the number of petitions "surprised the skeptics, who had argued that the small number of human rights violations in Ghana did not justify a truth commission" (2011: 56).

⁴ We argue that holding such commemorative events (and similar occasions that offer a platform to perpetrators of human rights abuse such as Rawlings) constitute human rights revisionism, to the extent that symbolically, they are held to rationalise and celebrate the atrocities of those regimes. For example, addressing youth in the Volta Region of Ghana in January 2014, Rawlings appeared to gloat over the executions that the AFRC had carried out, as well as the destruction of a market in Accra, an act that deprived hundreds of traders of their livelihood (Appiah, 2014).

⁵ There is concern about a perceived bias of transitional justice in favour of normative, dispute resolution justice, and reconciliation, at the expense of social justice, in terms of economic, social and cultural rights (Mamdani, 1996; Stanley, 2002; Arbour, 2007; Miller, 2008; Millar 2011; Lanegran, 2015). It is argued that often, in post-conflict societies, some form of communal redistributive justice is required, with post-apartheid South Africa as a case in point. Such scholars

believe that while the South African TRC may have succeeded in preventing the country from imploding as a result of racial and political animosities, it failed to empower the marginalised black population in economic terms (Boesak, 2005). The potential for TRCs to achieve social justice results, has however been acknowledged (Verwoerd 1999; Asmal 2000; Arbour 2007; Janesick, 2007). We see social justice as being implicated in the TRC model, as one cannot have meaningful social justice in the absence of a human rights culture and the prevention of impunity. As well, the payment of reparations based on a TRC recommendation performs a social justice role in the form of financial assistance to victims who lost property or breadwinners (Stanley 2002), though some view the payment of reparations to individuals rather than collective reparations as inadequate for social justice purposes (Arbour 2007). It must be noted that the focus of the NRC was on systemic impunity, rather than on individual cases of human rights abuse. Yet, one must remain cognisant of the following observation regarding the work of the NRC in Ghana:

For reparations to be effective and promote sustainable coexistence, they should provide grounding for a future based on social justice, while counter-balancing the decision to displace criminal justice in the process. It is recognised that in the case of South Africa, governmental reticence to provide reparations, the judicial disregard for pursuing prosecutions, and the dismissal of responsibility for apartheid at a wider social level, have been identified as factors that are limiting the opportunities for reconciliation and developmental change. Ghana is likely to suffer a similar fate if the key recommendations made by the NRC are not carried through. (Appiagyei-Atua, 2008: 5)

⁶ In this regard, we are grateful to CDD-Ghana's E. Gyimah-Boadi, Franklin Oduro and Abdul Wahab-Musah for their assistance.

⁷ In an issues paper, Attafua also recommended the "education of the Ghanaian public on the NRC Report by: producing hard and digitized copies of Executive Summary, disseminating the Report widely throughout Ghana and at all Ghana missions abroad and making copies available to all educational and

professional training institutions (from the primary school to the universities) (2007: 8). He regarded the dissemination as a joint task for both the state and civil society.

⁸ An exception was an online feature written by a PNDC sympathiser to attack the integrity of the NRC law (Sangaparee, 2014). Another exception was Ghanaian politician Dr Nyaho Nyaho-Tamakloe's response to "fond reminiscences of the June 4, 1979 coup" by another politician, describing this as "inappropriate nostalgia" in light of the NRC's revelations and exhortations (Aziz, 2014). Nyaho-Tamakloe made similar comments, invoking the NRC Report in 2013 (Asmah, 2013). Similarly, the children of Major-General Edward Utuka (who was killed by the AFRC) referenced the NRC Report in response to comments made by Rawlings in 2014 rationalising the AFRC killings. In a press release, they stated that "Our father was murdered without any semblance of a proper and fair trial by Rawlings and his cohorts. Armed Forces Revolutionary Council (AFRC) member Captain Baah Achamfuor and Squadron Leader Kosi Dargbe, Chairman of Rawlings' kangaroo court apparatus confirmed this on oath before the National Reconciliation Commission" (Ofori-Adeniran, 2014).

⁹ The NPP's preoccupation with the pragmatic dimension of transitional justice at the expense of the normative aspect, can be seen in the party's 2011 election as parliamentary candidate Victor Okaikoi, a human rights abuse perpetrator in the AFRC regime. Okaikoi had been a member of the Pre-Trial Investigative Team (PIT), an AFRC organ that tortured former government officials (Okaikoi and Koda, 1979; Jackson, 1999; Tagoe 2003; Mensah, 2003a; Mensah, 2003b; Mensah and Weiss 2003; Ghana NRC 2004, Vol. 2 Ch. 6). A number of witnesses appeared before the NRC to provide disturbing testimony about the torture they suffered under the hands of Okaikoi and his colleagues in the PIT. For example, Colonel (Rtd.) Kofi Jackson, a victim of the AFRC, testified that: "Capt. Okaikoi who was one of the interrogators came to sit on the table in front of me and put his legs in between my thighs. He started punching holes with a big needle in my chest" (Mensah, 2003c). Okaikoi never apologised for his past and the NPP could not claim to be oblivious to his antecedents.

Interestingly, after winning the NPP's nomination, Okaikoi attempted to frame himself as a past opponent of the AFRC and hence, its victim, rather than an active participant (Gadugah, 2012). This was in spite of the existence of records in the NRC Report showing otherwise, suggesting that the NRC Report is yet to be mainstreamed in Ghana.

¹⁰ Our argument here contrasts observations by Valji (2006) that the NPP might have been ambivalent about the NRC in general because the party's members would have preferred prosecuting AFRC and PNDC elements to opting for the TRC process. Based on interactions with Ghanaian politicians, we can confirm that many senior NPP elements would have preferred prosecutions for perpetrators of past human rights abuses. However, we are also aware that the return to constitutional rule has created a political elite that straddles the political divide, giving rise to a politics of compromise that creates a reticence to bring to account high-level political officials. The NPP appeared therefore to have accepted the NRC as a more pragmatic option to achieve national reconciliation.

¹¹ These phenomena have been documented by CDD Ghana (CDD 2009a; 2010a; 2010b). In 2007, CDD-Ghana predicted the ill-portends of the "foot-soldier" menace in Ghana (CDD, 2007). During the biometric voter registration exercise in April-May 2012, ethnic political mobilisation became the basis of a series of violent attacks and vitriolic discourse. The Ghana Catholic Bishops Conference, among others, has had to comment on the troubling state of affairs (Suleman, 2012. See also Duodu, 2012; Alidu and Ameh, 2012; and Donkor et al., 2012).

¹² In 2015, following violent political clashes during a parliamentary by-election in Northern Ghana, the Interior Minister proposed licensing and thus regularising political militias (Ansah, 2015).

¹³ For example, in January 2014, Supreme Court judge William Atuguba warned as follows: "Those who downplay the importance of social justice from time to time are bound to be rudely awakened to the magnitude of that error by events not only that have locally happened in Ghana; I refer to the several coup d'états or revolutions...they were all based on denials of social justice" (<http://edition.radioxyzonline.com/pages/news/01082014-1855/17175.stm>). In July 2013, NPP MP Boniface Gambilla was reported to have praised the AFRC's "House Cleaning" exercise (<http://edition.radioxyzonline.com/pages/news/07142013-1415/13284.stm>), a euphemism for a purge akin to the Red Terror in Ethiopia under Dictator

Mengistu Haile Mariam. In August 2012, Kobina Arthur-Kennedy, another NPP politician, lauded the relevance and virtues of the AFRC coup (Gyasiwaa 2012). These personalities glossed over the human rights abuses that occurred as a result of the coup. The NRC cautioned against the tendency for the media and opinion leaders to shrilly vilify constitutional regimes and rationalise politically expedient human rights violations. The NRC was concerned that such interlocutors fail to inculcate in the public the patience required for democratic growth, and by their comments “have helped to prepare the ground for usurpers to step in, and use the media-led complaints as the justification for the seizure of power” and human rights violations (NRC 2004 Vol. 4 Ch. 3: 195).

¹⁴ Comments made by President J.E.A. Mills (then the NDC’s presidential candidate) to the Political Attaché at the US Embassy in Accra which have been revealed by Wikileaks make interesting reading. The brief indicates that the attaché:

“...asked Mills what an NDC victory would mean for the National Reconciliation Commission (NRC), which has completed its hearings (but not yet issued a final report) on alleged human rights abuses that took place between 1957 and 1993 (Note: a majority of the alleged abuses occurred under the PNDC’s rule.) Mills said he would study the NRC report and implement the portions that appeared ‘logical.’ While not condemning the NR process, he said he would not accept the report wholesale. If the report is biased, he would set up a new, bipartisan commission to give the process a fresh start.” (<http://wikileaks.org/cable/2004/09/04ACCRA1934.html>).

After assuming office in January 2009, however, the Mills administration failed to act on the NRC Report. After he died in office in 2012, his party went on to win the 2012 elections and is still in power.

¹⁵ In his recently-published memoirs, Obed Asamoah who served as Foreign Minister and Attorney General in various PNDC/NDC administrations said of the NRC that it had “ostensibly noble objectives, but the purpose was to target the AFRC and PNDC rule of Flt. Lt. Rawlings” (Asamoah, 2004: 501). The following Wikileaks entry of a conversation between an NDC official and the US Ambassador to Ghana is noteworthy:

...former and current NDC members remain concerned that the commission’s report will be used to prosecute key figures of the PNDC, under whose rule many of the alleged human rights abuses took place. On August 2, an NDC Member of Parliament, in a private lunch, told the Ambassador that Rawlings was concerned about the possibility of being prosecuted for crimes that were revealed during the NRC’s hearings, and that this concern affects his decisions about foreign travel. (https://wikileaks.org/plusd/cables/04ACCRA1631_a.html)