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FOREWORD

National Reconciliation can certainly be regarded as one of the most relevant and paramount prerequisites of democratic development and the building of a unified nation and national identity.

About one decade and a half ago or more, Ghana – as a nation – decided to embark on a truly grand experiment: the establishment and consolidation of democracy. In this regard, the effectiveness of Ghana's electoral system as well as the civil society's eagerness and readiness for change, and democratically determined development strategies have been proven in recent elections.

However, experience shows that a country and its people may continue to be haunted or even stifled in its developmental endeavours by its own history. And it has been stated that Ghana has a checkered history of frequent regime changes and human rights abuses.

Personally, as a German national, I deeply appreciate and understand the notion that, prosperity, national unity and identity may be impossible to achieve without having properly dealt with one's own history, taking into consideration the wounds suffered, the tears shed, the injustices done and the human rights violations by some groups or individuals towards others.

The big challenge ahead of Ghana (just as it is for so many other countries in the sub region and beyond) lies in the identification and undeterred following of this country's own path towards a more just and peaceful co-existence between the different groups within society.

It may be added that - as in the German case - the process of constructive, forward-looking and appropriate reconciliation may ideally and in itself serve as a building block for national identity and sound democratic institutions and procedures. However, effective reconciliation then must take caution not to be instrumentalized for short-term political gains but to remain a fair and thus insulated process of truth-seeking and fact-finding.

The restoration of the dignity of victims, I believe, ought to clearly overrule the interests of sensational reporting, and the reform of previously-abusive institutions in the wider sense would probably need to be considered as one of the most important “follow-ups”.

Upon invitation of the Ghana Academy of Arts and Sciences, the contributors to this booklet and to the GAAS public forum of June 2005 in the first place, have shared their reflections on the possibilities and challenges for true reconciliation in modern Ghana, informed by international experience and, of course, in cognisance of Ghana’s National Reconciliation Commission’s proceedings, as established by Act 611 (2002).

For us at the Friedrich Ebert Stiftung, we feel privileged and proud to have been able to make our modest contribution to this self-reflection of utmost importance.

Jörg Bergstermann

ETHNICITY AND NATIONAL RECONCILIATION

By Togbe Afede XIV

Definitions and Background

For the purposes of this forum, we can look at an ethnic group as a set of people having a common cultural tradition, and ethnicity would refer to such cultural distinctiveness. A tribe on the other hand would refer to people who share a common ancestry, culture, and dialect. “Ghana has over fifty ethnic groups whose common values and institutions represent our collective national heritage. Each of these ethnic groups brought together by history, has unique cultural features and traditions that give identity, self-respect and pride to the people”¹.

Ethnicity was and still remains the primary instrument that propels the concept of “divide and conquer”. It was used by the colonialists to split and weaken cordial neighbours and make them rise against one another.

The birth of the new nation Ghana was not without pain. Ethnic nationalist movements, among them, the National Liberation Movement, Togoland Liberation Movement and the Northern People’s Party, were the early institutional expressions of ethnicity.

One of the top priorities of Dr Nkrumah, our first president, was to create a strong Ghana by strengthening loyalty to the state while reducing the appeal of tribal ethnicity. He fought to bring Trans-Volta Togoland into the fold of Ghana. His education policy aimed at bridging the gap between the more and the less endowed regions, and so did his development agenda. He gave Ghanaians hope, and laid the foundation for our survival as a nation. Our initial success was evidenced by several constituencies electing non-natives to represent them in parliament. And quite recently, non-natives served as ministers in some regions.

But our nation is at a crossroads, forty-eight years after the British departed. Many of the ethnic groups are aggrieved, and in the run-up to the

¹ The Cultural Policy of Ghana – National Commission on Culture, 2004, page 1

December 2004 elections, the appeal to tribalism and separateness became the strategy of choice aimed at exploiting our strong ethnic loyalties and our fears and suspicions.

Between the peace our nation has enjoyed over the years and the chaos that has engulfed some of our unfortunate neighbours, the choice is clear: *Embracing peace and every behaviour and action that promotes peace is the prudent option.* Unfortunately, the ideals of peace and love are being undermined by certain emerging trends in our society. Some tribalists who revel only in the past, have made it their pastime to denigrate others. They want to take us backwards.

Ethnicity and Reconciliation

The increasing suspicion, rivalry, and sometimes tension, among our various ethnic groups do not augur well for the progress of our country. The adverse effects are felt at workplaces, and even by our children at school. This unfortunate trend is one of the issues, often unpleasant to discuss, that currently confront our society. Evidence of ethnic anxiety abounds:

- a. The uproar generated by the Otumfuo's visit to Worawora² and the call for the carving out of Oti Region out of the Volta Region³ had both ethnic and economic (land) overtones.
- b. You would recall that at one of the sittings of the National Reconciliation Commission (NRC), an MP referred to the conduct of the plebiscite that brought Southern Volta into Ghana and requested the Commission to ask the government to recognize and apologize for the suffering of the people of Southern Volta⁴.
- c. The growing tribal glorification and increasing denigration of others led Wulomo Nuumo Gbelenfo III to call for "bold and collective decisions to be taken against the unchecked empowerment and growth of sub-national entities and baseless ethnic claims that are

² Ghanaian Times, January 9, 2002

³ Daily Graphic, January 9, 2002

⁴ Ghanaian Chronicle, November 26, 2003

antithetical to the interest and cohesion of any nation”⁵. He warned that no single group should be allowed to hijack national history and culture.

- d. Otumfuo Osei Tutu II recently expressed concern, among others, about the “mudslinging” of Asantes and “the uproar against any move by him to put up a structure in the capital, Accra”. “He urged these Ashanti bashers to be circumspect and, in their attempt to question the appointment of public officers by President Kufuor, not drag Ashantis into it”⁶.
- e. Recent protestations of ethnic-based groups such as the Union of Concerned Asante Lawyers and the Ga Dangme Council about matters or issues that they think place their interests in jeopardy also point to the ethnic problems in our society.
- f. Ethnicity and politics have found their way into our sports. Today, some football clubs and their followers have earned ethnic and political labels that threaten the future of our favourite game. Ethnicity also threatens to become an issue in the appointment of match officials⁷.
- g. Many of our sacred institutions have not been spared the ethnic rod. We have recently heard about priests and pastors being rejected at their new postings because of where they are perceived to come from.
- h. Inflammatory, divisive, and hate-filled ethnic-biased articles that have dominated the website, Ghanaweb, also give cause for concern.

A consequence of the above trend is that many simple and straightforward issues are twisted by a growing army of ethnocentrists in very dangerous ethnocentric terms that make fair discussion almost impossible, and with the potential to generate further suspicion, tension and hatred. Our current

⁵ Ghanaian Chronicle, November 26, 2003

⁶ Ghanaian Chronicle, May 20, 2005

⁷ Ghanaian Times, May 16, 2005

attempt at reconciling the nation through the work of the NRC has focused mostly on past political issues. But there are two main reasons why I think true lasting reconciliation has to aim at bridging our tribal and ethnic divides.

First, our politics itself has become more and more tribe- and ethnic-based. It derives its roots from our history and from the dirty and hate politics of the past. A major feature of the transition to democratic rule in 1992, especially, was the tribe-based political slogans that were coined by short-sighted political adventurers.

Second, while people easily switch their political and even national loyalties, tribal and ethnic loyalties are deep-rooted. As Robert D. Kaplan observed in relation to the migration of peasants into cities, "In the eyes of these uneducated but newly-empowered millions, the real borders are the most tangible and intractable ones: those of culture and tribe"⁸.

Current Issues

While a balanced view and sincere appreciation of our history is important, the resolution of our tribal ethnicity problems requires:

- i) Conscious efforts at remedying current concerns. There is little merit in attempting to find out who fired the first shot.
- ii) An appreciation of the fact that at the heart of every conflict is the struggle for limited resources. The Middle East problem is less a conflict between Arabs and Jews, but more precisely, a conflict between one group and another, over land.

Behind our current problems are issues of poverty and inequity which are worsening existing hatreds and suspicions. All citizens are entitled to a fair share of education and health facilities, and the hope that a government should bring to its citizens, including job opportunities. So far, not all ethnic groups are convinced about the government's commitment to fairness in the allocation of the limited opportunities and resources available.

⁸ The Coming Anarchy, Atlantic Monthly v.273, n.2, Feb 1, 1994: 15-16

Another problem is the nature of our politics. “One fascinating attribute of our culture is the strength and unity we derive from our diverse cultural backgrounds”⁹.. This is consistent with my belief that our differences are not culturally-rooted; they are politically-constructed. In his article, “Thank you, Central Region”¹⁰, a politician advocated the exclusion of certain areas from the government’s development agenda. Similarly, a politician hinted that his party when in power would only develop communities that would vote for it¹¹. Another reaffirmed this alleged “real secret policy which would be strictly adhered to”¹²..

There are also problems of governance. Within the context of national and local governance, we can look at good governance simply as a process of decision-making and implementation that ensures sustainable human development. Such governance is participatory, accountable, transparent, responsive, equitable, inclusive, and follows the rule of law.

Included in the Directive Principles of State Policy contained in our Constitution is the requirement, “The State shall actively promote the integration of the people of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin ...”. It added that to achieve this objective, “the state shall take appropriate measures to... achieve reasonable regional and gender balance in recruitment and appointment to public offices”. In our country, these ideals of good governance have, over the years, been undermined by, among others, selfishness and greed. Unfortunately, wherever there is greed, you are likely to see nepotism and tribalism because close relations tend to be more reliable partners.

Also, wherever there is greed, there is lack of transparency which provides a breeding ground for suspicion. The prevalence of rumors about the con-

⁹ The Cultural Policy of Ghana – National Commission on Culture, 2004, Foreword

¹⁰ Daily Graphic, December 22, 2004

¹¹ Ghanaian Chronicle, November 16, 2004 and April 8, 2005

¹² Ghanaian Chronicle, November 16, 2004 and April 8, 2005

duct of policy or the actions of our leaders is symptomatic of the lack of transparency.

There is also the perception that the government has not been fair in the treatment of certain traditional authorities. Some groups also sense a lack of respect for their customs and traditions. These have led to increased suspicion and rivalry between some traditional areas.

The Way Forward

There are a lot more that bind us than separate us. But we are becoming increasingly more aware and conscious of our differences than of our similarities. True national reconciliation cannot be achieved without a conscious effort to rid the country of the growing ethnocentrism. Ethnicity and tribalism are real problems and we need to confront them instead of pretending they do not exist, or at worst, do not pose any threats.

Robert D. Kaplan predicted: "Though the French are working assiduously to preserve stability, the Ivory Coast faces a possibility worse than a coup: an anarchic explosion of criminal violence – an urbanized version of what has already happened in Somalia. Or it may become an African Yugoslavia, but one without mini-states to replace the whole"¹³. We should learn from the experiences of our neighbours and strive not to allow politics and tribal ethnicity to destroy our sense of nationhood.

Education should be the starting point in promoting mutual trust, respect and understanding. Let us begin to teach our children, our future leaders, to understand that no one is born into an ethnic group of his choice. They should also realize early the *emptiness of claims about the superiority* of one Ghanaian culture or language to another. This is necessary if they are to show respect for one another, and help us arrest the escalating ethnic tension in our society.

Diversity suggests that our decisions or actions would not always be received by a consensus. So let us begin to teach our future leaders *toler-*

¹³ The Coming Anarchy, Atlantic Monthly v.273, n.2, Feb 1, 1994: 6

ance so that they can begin to appreciate and accept the diversity of the world they will grow into.

Let us teach them honesty. This is necessary if we are to create a more just and fairer society in which the vices of greed and corruption are minimized. Let us inculcate in them the virtues of *altruism* so they will learn to show concern for others, and appreciate that selflessness is the best form of selfishness.

Instead of a search for a national *language*, we should promote the teaching of Ghanaian languages, and require that every Ghanaian child learns to speak and write another Ghanaian language apart from his own.

Our constitution is not in tune with our ethnic realities and needs a critical look. For a country whose politics has become dominated by sometimes bitter ethnic rivalry, our constitution has become outmoded by the excessive powers given to the executive branch of government. The lack of an effective check on the Executive's *powers of appointment*, for example, (Sections 70, 78 and 144, especially), has allowed for the underrepresentation of certain groups in government, with adverse consequences for national cohesion.

Similarly, the powers granted our unicameral legislature and the Executive over the *creation of electoral constituencies* require some checks, so do their powers over the creation and functioning of our *district assemblies* which have led to the over-politicization of local governance, defeating the objectives of decentralization.

To improve upon governance, we should look at the possibility of a non-partisan *second legislative chamber*, with equal representation of the regions, as an antidote against the exclusionary, winner-takes-all kind of politics which is behind the acrimony that has become a feature of our democracy. Also, the requirement of a *public declaration of assets* as opposed to what is provided in Section 286 of the Constitution should minimize corruption, nepotism and ethnic-bias in the appointment of public officers.

We should explore the possibility of legislation that criminalizes speeches and actions that aim at inciting or have the tendency to incite ethnic and tribal tension.

We should also improve governance and accountability. The government should endeavour to strengthen the peace by working for a more equal and fair society, and resolve to remove the perception of inequality in the administration of justice. It must demonstrate greater sensitivity to the views of the most vulnerable and political and ethnic minorities.

It is about time we placed emphasis on demonstrated capability and honesty in the appointment of public office holders while ensuring balance in the representation of the various ethnic groups. Let us all recognize that every citizen has the right to participate, and that the diversity of opinion confers on each one of us *the* right to choose which party to belong to without having to suffer punishment.

As I have said earlier, excessive greed and corruption encourage nepotism and tribalism. Transparency is an effective antidote that will also reduce suspicion.

I would also suggest that we come up with a transparent formula for the allocation of state resources in order to avoid politicization. If this assures a reasonable amount of fairness, there will be less suspicion and anxiety, and people would care less about where the president or his vice comes from.

We should remember, in the words of Robert D. Kaplan, that: "Economic modernization is not a panacea, since it fuels individual and group ambitions while weakening traditional loyalties to the state"¹⁴. I would add therefore that equity in the distribution of economic gains is probably what matters.

It is my belief that the traditional authorities are uniquely placed to deal with the growing inter-ethnic hostility. Chieftaincy is a sacred institution and the foundation of our society. The institution owes its legitimacy to the people.

¹⁴ The Coming Anarchy, Atlantic Monthly v.273, n.2, Feb 1, 1994:16

It existed long before the advent of modern governance and politics. It has been observed that the one thing that distinguishes Ghana from its neighbours is the strength of its chieftaincy institution, which is seen as an important factor in the peace that we enjoy.

Working together, the traditional authorities represent a lot more power and capability than do the enemies of peace. Our chiefs must rise and speak against tribalism, ethnicity and bad politics. We should rise to the challenge because “evil gets done when good men stay silent”. Our chiefs must build the coalitions that will defeat the threats of discrimination and social exclusion. They should come together to promote true friendship and trust among the people, and replace fear and suspicion with hope and trust, thereby depriving the enemies of peace of their weapons.

One of the objectives of Ghana's cultural policy is “to foster national unity among the diverse ethnic groups of Ghana by promoting cultural interaction and inter-ethnic understanding through programmes that create an enabling environment for national development”¹⁵. The chiefs must show the way.

Civil society organizations, including the church and the media can also help by promoting love, tolerance and respect for one another. All of us must rise to the challenge because the adverse effects of conflict do not discriminate among tribes.

¹⁵ The Cultural Policy of Ghana, page 5

Conclusion

Ghanaians want development that would improve their living standards. But this can only take place in an atmosphere of peace, harmony, and dialogue. Development, and particularly economic development, that brings hope for the future underpins peaceful societies. It is no coincidence then that the most developed countries are the most peaceful.

Our borders are inconsistent with our cultural and political reality. If we remind ourselves that the state is not a natural creation and is still only a few decades old compared to our centuries-old tribal ethnic groups, then we will see the compelling need to fight the escalating ethnic animosity and resist the desires of a selfish few to prescribe our future.

Tribalism, intolerance, and bad governance are some of the most important factors behind conflict in Africa. Let us reject politics that play on the forces that divide us, that play on sentiments, that make us uncomfortable, and instead, forge the kind of alliances that will enhance our strengths for the benefit of our nation.

While we work for resolution of the various conflicts in Africa, it is important that we do not forget to work towards the prevention of conflict in our country where we have a semblance of peace. We have a responsibility to bequeath to our children a united nation that guarantees freedom from fear of all forms of discrimination and prejudice. None of our citizens must feel excluded from the opportunities offered by our nation.

We must move ahead, with courage and determination, in pursuit of our common aspirations, because our future, the future of our children, is more important than short-term parochial interests. To succeed, we need in leadership, men and women who believe in fairness, and in altruism as the best form of egoism, and who will work to ensure that national unity and loyalty once again replace tribal and ethnic loyalties.

We must not allow our hopes to expire.

RECONCILIATION - COMPARATIVE PERSPECTIVES

By Emmanuel Gyimah-Boadi

Introduction

National reconciliation involves reconciliation at the level of individuals, political parties, ethnic and religious communities coexisting or seeking to coexist in the larger national community. National reconciliation is deemed as a key goal for societies emerging from a past of violent conflict and/or conditions of repressive and authoritarian rule. It is an important factor in preventing recurrence of violence and ensuring continued democratisation. In this sense, reconciliation is the ultimate goal of transitional justice.

Transitional justice is premised on a belief that the demand for criminal justice is not an absolute one; instead criminal justice must be balanced with the need for peace, democracy, equitable development and the rule of law.¹⁶ It also recognizes that in contexts of transition there may be unique practical limitations on the ability of certain governments to adopt specific justice measures. These limitations may include scarce human and material resources, a weak or corrupt justice system, a fragile peace or democratic transition, a lack of incriminating evidence, very large numbers of perpetrators, very large number of victims, and various legal or constitutional impediments such as amnesty laws. A transitional justice framework does not, however, treat these limitations as an excuse for inaction; rather, it considers that where a country situation improves over time, a successor government is expected to seek to remedy past injustices occasioned by earlier limitations. Transitional justice focuses on at least six primary approaches to confronting the past and fostering reconciliation, which include:

¹⁶ This essay has tremendously benefited from research assistance from Ms. Matiangai Sirleaf, a graduate student intern at CDD-Ghana as well as research and training materials from the International Center for Transitional Justice (ICTJ).

- a. Trials
- b. Truth-Seeking/Fact-Finding Mechanisms
- c. Reparations
- d. Reform of Abusive Institutions
- e. Memorialisation
- f. Community-based and/or Traditional/Religious Initiatives

Transitional justice therefore represents an attempt to pursue justice with a keen eye on sustainable national reconciliation. However, reconciliation is a highly contested concept.¹⁷ As James Gibson perceptively points out, “the problem with reconciliation is “such an intuitively accessible concept that everyone is able to imbue it with his or her own distinct understanding.”¹⁸It will be clear in the discussions below that these complexities and contradictions are amply reflected in transitional justice mechanisms.

This analysis focuses on comparing and contrasting the different elements of the field of transitional justice, highlighting the pros and cons of each measure. It is couched in broad comparative terms. However, references to Ghana are made and implications for Ghana are drawn whenever appropriate.

Trials

A first category of transitional justice mechanisms is trials. Under international law, all states have an obligation to investigate human rights crimes after they have been committed and to impose sanctions on those responsible. At the maximum, it requires an obligation to extradite or prosecute; and at the minimum, it requires a non-judicial sanction that is not grossly disproportionate to the human rights crime in question. Trials, as a transitional justice measure, are used to prosecute human rights offenders. Trials

¹⁷See remarks by Douglas Cassel of Northwestern University’s Center for International Human Rights at the International Conference on National Reconciliation in Ghana in [National Reconciliation: International Perspectives](#) (Accra: CDD-Ghana, 2001), p. 55

¹⁸ See James L. Gibson, “Overcoming Apartheid: Can Truth Reconcile a Divided Nation?” (New York, Russel Sage Foundation, 2004)

can be civil or criminal; they can be national (such as the domestic prosecutions in Greece in 1975), or international (such as the International Criminal Tribunal for Yugoslavia), or hybrid in nature (such as the Special Court for Sierra Leone).

The benefits of trials as a transitional justice measure and as a means to foster reconciliation are numerous. Trials can help to restore faith in the rule of law among citizens. Prosecution of human rights offenders will contribute to greater public confidence in the state's ability and willingness to enforce the law; and, in some cases, assist in the rehabilitation of offenders. Trials may also create a sense among citizens that the system "works" and that it is worthwhile to continue to build a democracy. The prosecution of human rights offenders may contribute to specific and general deterrence. It also expresses public denunciation of criminal behavior. Further trials provide a direct form of accountability for perpetrators and provide justice for victims, inadequate as it may be. Criminal trials, as Professor Douglas Cassel of Northwestern University Law School puts it, "can serve to individualize the responsibility for major crimes. No longer need one group blame the other for crimes committed against it, when in fact those crimes were committed by individuals."¹⁹ Holding those individuals accountable serves reconciliation both by giving the victims a sense that they have received justice for what was done to them, and by making clear that not all members of the opposing group were at fault.

Moreover, prosecution restores and/or aids in the restoration of the dignity of victims as well as aids in the reconstruction of the trust necessary between citizens and the institutions of the state which is necessary for a healthy and functioning democracy. Finally, as a transitional justice measure, trials help to prevent the Pol Pots, Somozas, Taylors, Trujillos, and Amins of the world from getting away with impunity

¹⁹ See remarks by Douglas Cassel of Northwestern University's Center for International Human Rights at the International Conference on National Reconciliation in Ghana in National Reconciliation: International Perspectives (Accra: CDD-Ghana, 2001), p. 55

Despite the appeal of trials there are a number of disadvantages associated with relying solely on the prosecution of human rights offenders. Delays in proceedings can prevent justice from being administered. For instance, Cambodia has been seeking to set up a tribunal since 1997.²⁰ But the negotiations for the creation of the UN-Cambodian Khmer Rouge Tribunal have been contentious and lengthy. To date the tribunal has not begun its work, although there have been recent efforts to raise money for it to commence operation. Tribunals, particularly international ones, have exorbitant costs and are often slow in administering justice. For example, after spending over a half a billion dollars and with more than 800 staff, the International Criminal Tribunal for Rwanda had only achieved 12 convictions in nine years. The prosecution of one police general in South Africa reportedly cost 15 million dollars. It has been argued, with considerable merit, that the money used for these initiatives could be utilized for other developmental objectives.

Additionally, there are also procedural and operational limitations to using trials particularly in a post-conflict situation. These include: weak or corrupted justice system, lack of available witnesses and evidence, difficulty of proving a case beyond reasonable doubt, insufficient safeguards to protect victims of sexual violence from re-victimization such as courtroom intimidation and harassment, witness intimidation and fears, the competing need to deal with current crime as well and a “numbers problem” (victims and perpetrators may both number in the hundreds or thousands). Furthermore, there are a host of possible legal limitations such as amnesty laws, prescription laws, prohibitions on retroactive criminalization, and executive and parliamentary immunities that may impact the feasibility of prosecutions as a transitional justice measure. (Examples include self-amnesties such as the entrenched clauses in the permanent “transitional provisions” of Ghana’s 1992 Constitution apparently providing blanket immunity for officials of erstwhile unconstitutional regimes). What’s more, there is the risk of jeopardizing a fragile peace or democracy if key leaders of rebel groups or

²⁰ See Matthew Soloway, *Cambodia’s Response to the Khmer Rouge: War Crimes Tribunal vs. Truth Commission*, p. 5

leaders of an authoritarian regime are to be put on trial. Finally, unlike other transitional justice measures such as reparations or truth-seeking mechanisms, trials are not victim-centric. Inadequate attention is paid to victim needs - very often; there is little victim counseling, low possibilities of compensation, and minimal participation by victims of human rights abuses in trials.

Truth-Seeking/Fact-Finding Mechanisms

From Vaclav Havel of the Czech Republic to South Africa's Nelson Mandela and Burma's Aung San Suu Kyi, human rights activists and advocates of democracy have called for establishing an accurate record of what has occurred in the past and, in so doing, giving voice to those who were most victimized. Within the field of transitional justice, numerous ways of establishing the truth about past human rights abuses have emerged, the most well known of which is the "truth commission."

Truth-Seeking and/or Fact-Finding mechanisms are used to investigate violations of human rights whether via official national inquiries such as the South African Truth and Reconciliation Commission and Ghana's National Reconciliation Commission (NRC). We also have historical commissions such as the Canadian Royal Commission on Aboriginal Peoples and the U.S. Commission on Wartime Relocation and Internment of Civilians. Other examples are international commissions of inquiry such as the various commissions established by the UN to look into war crimes committed in places such as East Timor, Burundi, Rwanda, and the former Yugoslavia. Commissions have also been established through NGO efforts. This includes the work of organizations such as SERPAJ (*Servicio Paz y Justicia en América Latina*) in Uruguay in the 1980s, and *Memorial* in Russia in the 1990s. In contexts where official truth-seeking is not possible, non-governmental projects are particularly important because they may provide the only reliable documented record of victims and past violations.

There are a plethora of advantages to utilizing a truth-seeking mechanism with respect to other transitional justice measures. They help establish the truth about the nature and scale of the human rights crimes of the past. Additionally, they foster accountability of perpetrators by collecting and pre-

serving evidence and publicly identifying those responsible. Unlike trials, truth-seeking mechanisms help to detail the extent of injury suffered by survivors and thereby establish a legal and moral basis for reparations to victims, and make appropriate recommendations for legal and institutional reforms. Furthermore, they provide a public platform for victims to directly address the nation with their personal stories, inform and catalyze public debate about how to deal with the past and how to ensure a better future, cultivate reconciliation and tolerance at the individual and national level, and serve as a guard against nationalist or revisionist accounts of past events. Although these mechanisms are not necessarily applicable in every context, they can potentially provide many benefits when employed. Indeed, advocates of truth commissions have argued that a net gain is achieved, if truth commissions succeed in helping the society to know more about past abuse of human rights than it knew at the start of the process. By this yardstick alone, I will judge Ghana's national reconciliation program as a tremendous success. As a student and teacher of Ghanaian political history, I have been surprised and a little embarrassed by what I did not know about past human rights abuses in Ghana until the NRC proceedings and final report.

At the same time, there are many factors that might limit the attainment of these potential benefits. These include weak and deeply fractured civil society, political instability, victim and witness fears about testifying, a weak or corrupt administration of justice, and the distraction of ongoing violations and/or political instability. In addition, there are often significant operational constraints that may hamper commissions including: insufficient time to carry out the mandate, lack of funds, excessive caseload, perpetrator/abuser non-cooperation, weak investigative powers, and inability to provide witness protection. These mechanisms may also be problematic due to truth for amnesty provisions. Where confrontation with known human rights abusers has to be avoided as a matter of expediency, (as with the former military rulers of Nigeria) truth commissions contribute to a climate of impunity for gross human rights violations, which may inhibit the process of reconciliation.

Yet another fundamental problem with truth-seeking mechanisms is that of enforcement. These initiatives are inevitably plagued with problems of implementation of recommendations - due to factors such as lack of political will, inertia, weak moral basis for reform, cost and partisan politics. Unfortunately, the fate of many truth commission reports is that they collect dust on a shelf somewhere, with little to none of its recommendations ever seeing the light of day. In cases such as Nigeria, diligently and thoroughly prepared documents have remained unpublished. In other cases, they are published, but poorly or never implemented. We should pause to remind ourselves that this is a test the Ghana national reconciliation program has yet to pass.

Reparations

To maximize the restoration of victims' dignity and provision of justice, states can attempt to directly *repair* some of the harm suffered. The concept of reparations embraces aspects of compensation (for harm suffered, or for lost opportunities), of rehabilitation (to support victims practically or emotionally) and of restitution (to restore, in whatever degree possible, what has been lost). Reparations can be compensatory, "restitutionary" or rehabilitative in nature and can be subdivided by type (material and symbolic) and by their target class (individual/collective). Material reparations obviously might entail the provision of money or financial incentives, but could also include the provision of free or preferential-rate social services in areas such as health, education and housing. Symbolic reparations come in several forms, including the issuance of an official apology, the creation of a dedicated public space (such as a museum, park or memorial) or the declaration of a national day of remembrance. It should be noted that the final report of the NRC goes to great length to recommend some of these forms of reparation.

Without a doubt, the most ambitious material reparations program ever implemented is that of Germany in respect of Holocaust survivors. It is by far the longest running program, having started in 1951 and still running, not only in the sense that payments continue to be made, but also the program continues growing both in numbers and complexity. Second, the program is

also the most expensive ever: payments to Holocaust survivors have exceeded more than US \$60 billion. The German Finance Ministry estimates that it will pay out almost \$20 billion more by the year 2030, when, according to its calculations, the last survivor will have died. Thirdly, the number of recipients far outstrips that of other programs: more than 500,000 Holocaust survivors in almost 70 countries have received some form of compensation. In terms of nationally-based material reparation programs, the most commonly praised examples include the programs established in the 1990s in Chile and Argentina.

Reparations provide recognition to victims both collectively and individually. They provide a concrete response to calls for remedy and promote reconciliation by restoring victims' confidence in the state and foster a collective memory of past abuse and social solidarity with victims. However, material forms of reparation present, perhaps, the greatest moral, legal and political challenges – particularly government-sponsored victim compensation programs of massive coverage. First, there is the problem of determining who the victims are or the beneficiary class: if the class is too broad, then the amount of compensation per person can become unjustifiably small; and if it is too narrow, it can leave out many deserving victims. A second dilemma is whether to award compensation to individuals for individual suffering, or to collectivities or groups for collective harm suffered. Structuring victim compensation as grants to collectivities or communities is often politically-attractive and can allow for a broader reach, but it generally has a lower reparative value because the program may be wrongly perceived as part of normal social development and thus disassociated from the violations that prompted it. This will make it more vulnerable to partisan politics and budgetary whims. In contrast, structuring compensation as individualized grants will increase its reparative value; but, as noted above, this will also limit its depth and reach. At any rate, material compensation is costly and if it is perceived solely as a way of quantifying the harm, it will always be viewed as unsatisfactory and inadequate.

A third challenge is whether to structure material reparation as service packages (e.g., special medical, educational, or housing benefits), cash payments, or a combination of both. Formulating it as a service package

can be cost-effective; on the other hand, it does not maximize personal autonomy and limits its reparative appearance. For instance, reparations in the form of scholarships for the children of victims are of no use to victims who have no children of school going age. In addition, the quality of service is dependent on the strength of state investment and administration of the service to the general population. In contrast, providing cash payments can satisfy real needs; however, if the payments fall under a certain level, they will not significantly affect the quality of life of the victims. Structuring material reparation, as cash payments will also make it harder to persuade an impoverished nation that it is a priority greater than other competing and more universal social and economic needs. In these contexts, if reparation is allocated on an unprincipled basis or used as a form of political patronage, it can serve as a source of conflict and division.

Indeed, the failure to pay reparation to groups that have a clearly legitimate claim, in favor of the politically and socially well connected, can serve to complicate reconciliation efforts and lead to a sense of historical grievance. And even where a reparations program is totally principled and non-partisan, there is still the risk that it will be socially divisive, particularly where measures to address basic rights (particularly social and economic rights) of all citizens are lacking.

Here again, the Ghanaian experience calls for sober reflection. Ghanaian political history, at least since the 1966 coup, is replete with at least informal forms of victim rehabilitation. However, such programs have tended to be characterized by high degrees of selectivity. Typically, the government initiating rehabilitation singles out for rehabilitation and resettlement, victims of human rights abuse under previous regimes, especially those with whom the regime shares the closest political and ideological affinity. It is the same class of people who tend to have their private assets, extra-legally confiscated by a previous regime, restored to them and receive political or state appointments and other types of material favours. Thus, Nkrumahist governments largely rehabilitate Nkrumahist politicians, and Dankwa-Busia governments do the same for Dankwa-Busia politicians, and so on.

Other major design and policy challenges regarding material reparation programs include decisions as to: the kinds of harm that will be covered,

whether economic, physical, or emotional; the nature and quantity of evidence that must be adduced by eligible beneficiaries; whether compensation should be based on harm, need, or a combination of both; how the harm should be quantified (e.g., how much should someone receive for losing an eye vs. being raped vs. being tortured psychologically); how the program should be funded, given that it must usually compete with other social programs under conditions of deep scarcity, and given that international donations are not normally forthcoming in the absence of a significant local commitment of funds; the amount of compensation to be provided, and whether the amount should be identical for each individual or group, as the case may be; how to distribute compensation (e.g., if cash payments, would there be one lump sum payment or multiple periodic payments, and in either case by what body); the period of time covered by the reparations program; what effect civil judgments, insurance payments, and similar independent sources of financial relief should have on the availability or size of a beneficiary's victim compensation package (for instance, should a well-insured victim get the same benefit as the one not covered by private insurance?); and whether there is a way to make responsible parties or those who benefited from human rights violations contribute to a reparations fund.

I have dwelt at length on the significant equity, definitional, financial and administrative challenges entailed in the use of victim reparations as a transitional justice measure because that is one key bridge Ghana's national reconciliation program has yet to cross. This is deliberately intended to highlight the pressing need for Ghana to establish an independent non-partisan commission to elaborate appropriate modalities for and supervise the implementation of the rich set of recommendations for reparations contained in the final NRC report.

Reform of Abusive Institutions

Countries emerging from war or tyranny will often need to adopt institutional, legal and policy reforms that will enable the country to achieve the long-term social, economic and political objectives that are essential for preventing civic and/or democratic collapse in the future. This includes creating new institutions to protect human rights, dismantling or restructuring institutions prone to abuse, removal of abusers from public positions (so that when you visit a public agency, you don't suffer the agony of dealing with the same person who abused you in the past) "professionalisation" of state agencies, and programs and human rights training for public officials. Reform of abusive institutions is imperative. It is necessary for eliminating and therefore preventing a recurrence of the conditions that led to violent conflict or repression. Further, it helps to reduce the likelihood of new and ongoing abuses and prevents perpetrators of human rights abuse from occupying positions of public office. Reform ensures better protection of human rights as well as enhancing good governance by introducing legal and constitutional amendments. Finally, reform of abusive institutions increases public trust and confidence in state institutions and assists in the removal of obstacles to prosecution.

While reform is a must, the process can be abused. This is particularly true in the case of lustration laws - laws and policies that involve wide-scale dismissal and disqualification from holding public office based not on individual record, but rather on party affiliation, political opinion, or association with a hitherto oppressive secret service. In Eastern and Central Europe, many such laws have violated fundamental standards of procedural fairness by, inter alia, punishing on the basis of collective, not individual guilt, violating the presumption of innocence, imposing bans on elected or appointed positions (in violation of the principle of non-discrimination on the basis of political opinion), unfairly limiting rights of appeal before judicial bodies, and relying too heavily on spurious Communist-era records to prove criminal behaviour. Czechoslovakia (and the subsequent Czech Republic) implemented the most radical lustration policy of all the post-communist states, excluding all officers and agents of the communist security forces and all party officials from district level upwards from around

9000 public posts. Recurrent acrimony and recrimination generated by the implementation of the quasi-version of lustration in the post 1966 coup in Ghana – banning some Nkrumah-CPP politicians from holding public office – provide a poignant illustration of the same point.

Additionally, institutional reform becomes problematic if the quality and quantity of reform efforts outstrip local delivery capacity in terms of institutional infrastructure and financial and human resources, thus setting back the process of reform. On the other hand, if reform is slow and halting, citizens may lose faith in the system. Moreover there are a number of risks involved with institutional reform: risk posed by individuals removed from public positions (particularly army, police and intelligence officials) that often turn to private crime after their dismissal or worse, attempt to destabilize the new government; risk of political manipulation and bias in reform process; danger of wrongly imputing guilt and finally, the risk of lack of transparency in proceedings.

Memorialisation

Remembering the past operates to honor those who died or were victimized. Monuments, memorials or national holidays help to establish “collective memory.” Examples include sculpture; memory parks; museums of conscience (such as the District 6 Museum in South Africa or the Terezín Memorial Museum in the Czech Republic); commemorative plaques; the conversion of previous torture centers into places of remembrance; and memorial walls (such as Maya Lin’s Vietnam War memorial in Washington, DC).

Memorialisation is important because it meets victim’s demand to “never forget” and contributes to other transitional justice goals including truth-seeking. Memorials concomitantly assist in generating dialogue and discussion about the past and establishing an accurate historical record. Memorials may also contribute to preventing future abuses by staining the national conscience.

However, victims and human rights activists are often deeply offended by efforts by the new or old government, even a democratic one, to create an

“official story”, a state-generated narrative about the past. Sometimes, transitional justice strategies are seen as both a necessary step toward remembrance but also an insufficient one. Struggles over what will be taught in schools, how victims will be remembered, and whether the voices of victims will continue to be heard are inevitable. If done in isolation from other transitional justice measures, demoralization may be seen as a “quick fix” approach demonstrating the government’s unwillingness to seriously address the past in a more substantive manner.

Community-Based/Traditional Practices for Reconciliation

The use of traditional and/or religious reconciliation practices to foster national, individual or community reconciliation encompasses a broad range of activities. It varies from country to country and indeed even within countries among different groups.

One example of how religion, particularly Buddhism, leads to social action is the *Dhammayietra*, or annual “*Pilgrimage of Truth*” marches, which began in 1992 in Cambodia.²¹ It began as a one-time event, a month-long walk of reconciliation by refugee Khmer living on the Thai-Cambodian border into the interior of Cambodia.²² The *Dhammayietra* movement helps to inculcate the values of peace, reconciliation and compassion for all beings and upholds an alternative, nonviolent way. Many refugees have been reunited with family members they had not seen since the 1970s a result of the first walk. Several thousand ordinary Cambodians spontaneously joined the walk, and tens of thousands demonstrated their support for the walkers.²³

Yet another example of the neo-traditional community-based approach to national reconciliation is the *gacaca* system originally used in pre-colonial Rwanda. In the pre-colonial period, prior to bringing a civil dispute before

²¹ Ibid. p. 51

²² See One Million Kilometres for Peace. www.uq.net.au/~zzdkeena/NvT/51/6.html

²³ See European Platform for Conflict Prevention and Transformation, *Pilgrimages of Truth in Cambodia*.

the *Mwami* or king, individuals had to bring the dispute before the community, although serious crimes such as homicide were brought directly to the *Mwami*. During the proceedings, respected community figures served as “judges” who involved the entire community in a dispute resolution process. Sanctions arising from this process usually involved compensation and not imprisonment, allowing the accused to better appreciate the gravity of the damage that s/he caused. It also allowed the accused to reintegrate into the local community.²⁴ The main aims of the proceedings then were restitution and reconciliation. The *gacaca* system together with state laws based predominantly on the Belgian framework has continued to operate in colonial and post-colonial Rwanda’s context of legal pluralism.²⁵ Indeed, reports following the 1994 genocide confirmed that in some parts of the country *gacaca* continued to function throughout the civil war.²⁶ It is not surprising that the *Gacaca* Law of 2000 adopted by the Transitional National Assembly of Rwanda proposed the creation of *gacaca* jurisdictions, where the traditional practice would be adopted specifically for the challenges posed by adjudicating crimes of a severe magnitude.²⁷ This system, labeled as modernized *gacaca*, is an unprecedented legal-social experiment in its size and scope. The *gacaca* jurisdictions will try genocide-related crimes that occurred between October 1, 1990 and December 31, 1994.

Northern Uganda is also attempting to employ an Acholi neo-traditional community-based system of justice and reconciliation to address transitional justice issues raised by the 20-year-old Joseph Kony-led Lord’s Resistance Army (LRA) insurgency. Under this process, LRA rebels who defect are taken through a traditional ritual mediated by traditional leaders. This community-based approach to reconciliation draws on Acholi culture, values and institutions known as *mato oput*, which involves acknowledgement of responsibility for wrongdoing, repentance and the payment of com-

²⁴ See L. Danielle Tully. *Human Rights Compliance and the Gacaca Jurisdictions in Rwanda*, p. 4

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

pensation. The process ends with the symbolic drinking of a bitter juice (*mato oput*), and the bending of spears.²⁸ This traditional process offers a means for the restoration of relationships, which legalistic approaches do not.

The merits of using traditional and/or religious reconciliation practices are obvious. For one thing, they are usually more time efficient. The sheer number of people that were to be prosecuted prior to the gacaca system was too much for Rwanda's nascent justice system. One analyst (Uvin) argues that it would have taken more than a century to finish the trials of the 130,000 persons who were imprisoned and further, that more people accused of participation in the genocide died in Rwanda's prisons each year than are judged.²⁹ The gacaca system with an estimated 10,000 tribunals should be able to judge all prisoners in a much shorter time.

Moreover, traditional and/or religious reconciliation practices involve the entire community and are more victim-centric than regular trials or arguably even truth commissions. Additionally, these practices usually focus on restorative justice and not retributive justice. This may be contrasted with the Truth Commission in South Africa, which documented what happened and made people confront the truth, but was not followed by a formal process of reconciliation and restitution. In contrast, the Acholi process of *mato oput* requires an acknowledgement of wrongdoing and a healing process and restitution through compensation; inter-group relations can only be reestablished once compensation is paid.³⁰ Thus, traditional practices offer an accepted, familiar and respected means by which to foster reconciliation, based on a local custom that gives the process more legitimacy.

Significantly, in a resource-constrained environment, which characterizes most post-conflict countries in Africa and in the South, traditional practices

²⁸ See "An Overview of Initiatives for Peace in Acholi, Northern Uganda," by *The Reflecting on Peace Practice Project* directed by the Collaborative for Development Action, Inc. (Cambridge, Massachusetts, USA) p. 20

²⁹ See Peter Uvin. *The Gacaca Tribunals in Rwanda*, p.117

³⁰ See "An Overview of Initiatives for Peace in Acholi, Northern Uganda," p. 21

are usually substantially more cost effective than other transitional justice measures such as establishing a truth commission or an international tribunal.

Indeed, the dangers of relying on traditional and/or religious reconciliation practices are not insignificant. Often, such mechanisms focus on reconciling the community, and the individual's response is less important. This type of "justice" could dis-empower individual victims. This, I believe, is the point Conacy Laker (25 years), whose nose, ears and lips had been chopped off by the LRA rebels was making with reference to the application of the neo-traditional Acholi method of reconciliation to his torturers: "I have nothing to say to the person who cut me...But the person needs to be punished, like I was punished."³¹

Further, procedures of these traditional courts may often fail to meet international standards of due process, gender rights and accepted forms of legitimate punishment. The *gacaca* system exhibits some of these traits: there is no separation between prosecutor and judge, no legal counsel, absence of legally-reasoned verdict and considerable encouragement of self-incrimination. In sum, the *gacaca* system of "traditions that are in the eye of the beholder" provides inadequate guarantees for impartiality, defense and equality before the law and consequently many foreign legal specialist and human rights observers have been highly skeptical of the process.³² Just imagine a thirty-year sentence passed after a one-day trial by a panel of persons elected among the community in some of the *gacaca* trials!!! Such a system, used in pre-colonial times to deal with petty crimes and small scale killings in internecine wars may not be suitable for dealing with large-scale, heinous crimes like genocide - especially in a post-conflict situation where traditional institutions have been weakened as a result of the conflict, thus placing unduly high expectations on such institutions. Moreover, in a multi-religious, multi-ethnic country with different belief systems traditional/religious practices may be ineffective when applied at a national or more universal level. For example, as not all LRA rebels are

³¹ See (International Herald Tribune, April 19, 2005, p2)

³² See Peter Uvin. *The Gacaca Tribunals in Rwanda*, p.117 p. 118

believed to be Acholi, it is unclear how *mato oput* will address their cases. It is also unclear how it would address abuses by the Uganda Peoples Defense Forces (UPDF).³³ It may, therefore, not enable people to express their grievances against the government, further limiting its applicability. And although the emphasis of *mato oput* seems to be on the therapeutic, it is unclear whether the acknowledgment of crimes would be sufficient to reveal the truth and to account for what happened during the war, which is consistently highlighted as a critical element in a reconciliation process. As a final point, for non-adherents of religious faiths and cosmologies, expressions of penitence and confessions may not be genuine, but rather opportunistic and self-interested gestures.

In conclusion, there are merits and demerits of each transitional justice measure. The measure adopted will depend on the post-transition context: nature of the peace settlement, the type of transition, international context, culture, financial considerations and the legacy of the past. Failure to think through these issues carefully and design appropriate reconciliation mechanisms largely explain the failure of national reconciliation projects in the Ivory Coast, Nigeria, and arguably, Burkina Faso. Comparative perspectives provide some guidelines on how to negotiate our way toward an often keenly desired but sometimes elusive goal of national reconciliation. They confirm the wisdom in Dr. Alex Boraine's assertion that "reconciliation is a process, not an event."³⁴

³³ See "An Overview of Initiatives for Peace in Acholi, Northern Uganda," p. 23

³⁴ Comments by, Alex Boraine, Former President of International Center for Transitional Justice at CDD-Ghana's International Conference on National Reconciliation in Ghana. Democracy Watch Vol. 2, No. 8 December 2001 p. 13.

ETHNICITY AND NATIONAL RECONCILIATION

By Nana Otuo Siriboe

Introduction

The traditional state over which I am head has within it, groups of various ethnic origins and one of my preoccupations has been how to achieve social harmony amongst these groups and reduce conflicts between them when they arise.

I intend to share some of my experiences at the micro level with you. I propose also to throw some light on the broader picture of reconciling the nation against the background of the role of the institution of chieftaincy in the process.

The topic calls for an analytical definition of the concepts 'Ethnicity' and 'Reconciliation', thereafter I will discuss some of the mechanics used in the traditional system in reconciling various ethnic groups. I need finally to pursue the question: how do we reconcile people from various ethnic origins in the maintenance of peace and stability to advance the socio-economic development of our nation?

Ethnic groups and ethnicity

The philosophers often argue that any concept which has a long history is usually difficult to define yet they also argue that an attempt must be made to set the guidelines and broad parameters which can lead us to an understanding of the issues therein. An ethnic group 'is a group of people who identify with one another or are so identified by others, on the basis of cultural boundary that distinguishes them from other groups'. (Wikipedia, the Free Encyclopaedia)

The boundary which delineates the ethnic group gives it a distinctive characteristic, a cultural identity, language and to some extent work pattern, religious inclination and other personal idiosyncrasies and mannerisms. Members of an ethnic group, in this day and age, are often distinguished clearly by a common language. In Ghana, according to the 2000 Population and Housing Census (Ghana Statistical Service Publication of March 2002

in the classification of ethnic groups, the Akans are 49% followed by the Mole Dagbon (16.5%), the Ewe, (12.7%) and the Ga-Dangme (8.0%)

The figures quoted above confirm that Ghana is an ethnically plural nation. However, the sociological diversities pose no real or significant problems at all. Otite, no doubt, relying on his Nigerian experience, observes that "What is crucial comprises the interactions and the interrelationships as people from the various identifiable socio-cultural groups struggle and manoeuvre themselves over control of access to the nation's scarce resources. In the process there is always a tendency for people not only to place their ethnic values and interests over those of their ethnic groups, but also those of the nation. Hence ethnicity not only becomes a cultural phenomenon but also a structural category, an instrument of social organisation in the fields of competition." (Otite 1983). Fortunately, inter ethnic struggles and manoeuvres are not so pronounced in Ghana although we cannot afford to be complacent in this regard.

Reconciliation

I wish to turn to the definition of the concept of reconciliation.

Reconciliation has entered the global vocabulary in recent times, especially in the African Region. It is used to denote the procedures and the end results of measures put in place to find solutions to bring harmony whenever conflicting issues which are very disruptive of the social order, occur (Aryee 2003). It is a necessary tool in engineering workable social relations among people and among identifiable social groups.

The verb to reconcile, according to the Oxford English Dictionary means 'to harmonise and to accommodate in the development of positive social relationship'. It means to resolve a conflicting situation between individuals and groups; to abide by laid down rules and regulations in order to create a peaceful social and political order for the benefit and in the growth and development of the state.

Groups and individuals are said to be reconciled when they establish a positive working relationship after some disagreement which has tended to produce disruptive tension and social crises. Reconciliation, in the final

analysis means producing a state of tolerance, a state of listening to the other person's point of view in order to replace unnecessary tension and deep-seated levels of animosity.

It is a policy measure dedicated to 'closing off the past' to establish a new social and working relation. It calls for the respect of the rule of law and constitutional order of governance.

Aspects of ethnicity

Positive ethnicity

In recent times ethnicity has become associated more with the unsavoury aspects of the word to the extent that we hardly pause to reflect over its positive aspects and how they could be deepened or elaborated to promote harmony and social cohesion.

By positive ethnicity, I mean an altruistic assessment of the positive sides of other ethnic cultures and extolling them for emulation by others. What one ethnic group lacks, one could supply, to advance the national cause. Awolowo puts it more succinctly, "Each ethnic unit has innate skills and traits which are generally peculiar to it. Some excel in agriculture, others in manufacture and yet others in the distributive aspects of economic activities. What one area or ethnic unit lacks the other supplies and the whole country stands potentially enriched thereby."

One aspect of positive ethnicity in Ghana is the healthy rivalry amongst ethnic groups operating under the aegis of Town/Area Associations in the cities and urban areas to mobilise both human and material resources for the development of their home towns.

Yet, another example of how local associations have become competing units of self-development is their support for education. The contemporary histories of our traditional states are replete with instances of local funding of educational projects and even sponsoring some of their bright citizens to benefit from education locally and overseas.

These laudable efforts at self-improvement were emulated in other ethnic groups lest they be left behind by others.

Negative ethnicity

Negative ethnicity, on the other hand, manifests itself when ethnic differences are exploited and fanned to secure control of the nation's scarce resources particularly if this is reflected in rivalry among political parties. In such situations traditional and historic animosities, jealousies and fears are exacerbated. With the results of the competition for control determined on the basis of "Winner takes all" the loser ethnic group not only sees itself as being consigned to the political wilderness but also excluded from enjoying a share of the national cake. It sees all development programmes, policies and appointments of the ruling government only from the perspective of promoting the interest of particular ethnic group/s with a view to perpetuating their hegemony. Ill feelings escalate and the nation becomes polarised! As Hyden (1983:94) points out, "each ethnically plural society would need to devise strategies or checks and balances designed to solve its problems of ethnicity rather than ignore or sweep them under the carpet because of their sensitivity".

Reconciling ethnic groups

Micro level

Before I turn to offering some suggestions as to how to reconcile ethnically-disparate groups at the national level, permit me to digress a bit to tell you of my own modest efforts at promoting reconciliation amongst the various groups in my area of traditional jurisdiction.

One of the 77 state laws promulgated by Okomfo Anokye, the spiritual advisor of King Osei Tutu I, founder of the Asante Kingdom, expressly barred anybody from disclosing the origins of another. "Obi nkyere obi ase". This was to ensure an effective integration of all who would eventually settle in the kingdom. All were equal before the state laws, ie no disintegration. All people were therefore entitled to the same protection and care of the state. A strict application of this law has helped me in massaging social tensions and in pre-empting social upheavals. Indeed the Akan Traditional System recognises that the viability of the Oman (State) depends on the extent to which it is able to absorb and integrate non-indigenes into it. "Ye de ahoghona eye oman"

As a strategy to integrate ethnic minorities into the body politic, minority groups are represented on my Traditional Council. It is at this Council where new norms are discussed and when adopted are incorporated in the established institutional pathway.

New stools have been created for non indigenes whose personal achievements and contributions to the state have been exemplary.

The traditional arbitration system where cases are settled by mutual agreement as against being adjudicated in favour of one party has helped to preserve social stability instead of fanning differences between groups.

I now return to the issue of devising checks and balances to solve the problems of ethnicity and reconcile the nation.

Macro level

One of the methods suggested for solving the problem of ethnicity is the creation of vertical structures at the national level to mobilise people for national purposes. These structures may include a body to oversee the national development agenda to ensure fair and equitable distribution of the state's resources. Other strategies may be to reflect ethnic balance in public appointments in the legal realm where constitutional provisions and parliamentary enactments aimed specifically at blunting the effect of ethnicity are passed. Nana Dr S. K. B. Asante gave a brilliant and detailed analysis of this issue in the JB Danquah Memorial Lectures he delivered in 2002. At the end of the analysis, Nana wisely concluded that "Legal constitutional provisions may posit the ideal but they are not effective guarantees against ethnicity or sectionalism".

It is my humble opinion that one of the guarantees against ethnicity or sectionalism in Ghana is to build on our history of ethnic tolerance and accommodation which formed the basis of our nationhood. We must not allow the traditional foundations to be shaken by modern politics.

In Ghana, pockets of diverse ethnic groups have settled in other parts of the country for historical and economic reasons. An excellent example is Kumasi which throughout the last century absorbed and integrated a sub-

stantial immigrant population made up of virtually all ethnic groups from other parts of the country.

The quarters that were habited by these groups have been named after them eg. Fante New Town for Fantes, Anloga for the Ewes, Mosi Zongo for the Northerners and Accra Town and Adabraka for the Gas. The Eastern Region has also been home to several Ewe farmers, while a segment of Asante eg the Juabens, went to settle there as a result of historical factors. The Volta Region became host to Asante immigrants from Kuntanase. These and other examples have brought about the inter marriages, cross-cultural fertilisation, in such areas as linguistics etc.

The Akan words for the first and last shots of drink, “Ahatae” and “Ahagome”, respectively are borrowed directly from the Ewe language.

The foresight of our traditional leaders in prompting inter-ethnic harmony reflected in their making grants of land for farming, industrial and residential development to the immigrants.

The inter-ethnic bridges have been built over the years following these migrations and should now be conscientiously reinforced as a strategy for national reconciliation. Here, the institution of chieftaincy should be the prime mover. Chiefs as fathers of the people should visit their sons and daughters in other ethnic areas to preach the sermon of ethnic harmony and peaceful co-existence.

The annual festivals of one traditional area could have as a guest of honour another chief from a different ethnic background to promote goodwill between the respective ethnic groups. On such occasions I expect our respected chiefs to speak openly against the dangers of ethnicity and the need for all ethnic groups to respect the values and norms of other ethnic groups.

The National House of Chiefs should serve as a potent forum for inter-ethnic cooperation and harmony. The constitutional provision that chiefs should not involve themselves in active party politics should enable them to look at such sensitive issues as ethnicity impartially and from a national perspective. The House should pioneer research into the underpinnings of

our various cultural practices and values to reveal their similarities and/or identical nature. After all, the forms of cultural expression may differ, yet, the substance invariably remains the same. An example may suffice here.

When an Akan greets his chief he bares his left shoulder to signify that he has no dagger hidden there under. When a Ga greets his chief he uses both hands to signify that he would not use the other hand to draw a dagger! Both are expressions of purity of heart and good intentions. On the basis of this and several other examples which time will not permit me to enumerate, we should conclude that our value systems are about the same and nobody should therefore attempt to put asunder for his selfish ends!!

Conclusion

It must be said, in conclusion, that ethnic social conflict is a struggle over what people value, over claims and status, to power and to equitable distribution of scarce resources. Conflicts, the philosophers contend, is an inevitable aspect of life. It arises as a result of the factors I have mentioned and indeed exacerbated by many difficult choices and decisions. It is disturbing and it affects social order and social development. Thus, there must be viable methods to reconcile ethnic groups within acceptable limits and possibilities.

Respect for members of other ethnic groups is paramount. The pathways outlined for reconciliation must be seen by the various groups as legitimate, to build confidence in the system for the various people to receive the needed attention and to correct political and social wrongs.

As people with various ethnic backgrounds, we must agree on the modalities for settling disputes, on reconciliation procedures in order to usher in the peace and stability which are a sine qua non for our socio economic development.

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THE CONCEPT OF RECONCILIATION

By Justice Professor Modibo Ocran

Introduction

At the end of the American Civil War in 1865, Walt Whitman published a poem in the same year entitled "Reconciliation". It reads as follows:

*Word over all, beautiful as the sky,
Beautiful that war and all its deeds of carnage must in time be utterly lost,
That the hands of the sisters Death and Night incessantly
softly wash off again, and ever again, this soil'd world;
For my enemy is dead, a man as divine as myself is dead,
I look where he lies white- faced and still in the coffin---I draw near,
Bend down and touch lightly with my lips the white face in the coffin.*

There is a critical line in this poem that betrays the spirit in which I wish to deliver my lecture: "*For my enemy is dead, a man as divine as me is dead.*" I wish to suggest at the outset that the moral self-righteousness with which we typically pursue conflicts is often misplaced; and, perhaps more importantly, that the urge for reconciliation lurks somewhere in the human spirit.

The meaning and scope of reconciliation

It is my burden this evening to discuss the rather malleable concept of reconciliation. The Oxford English Dictionary partly defines "reconcile" as "to bring (persons) again into friendly relations...after an estrangement..." This aspect of the definition of course focuses on interpersonal relationships. But I assume that we are rather concerned with reconciliation in the context of political violence or political crisis. In the latter context, reconciliation has been described as the process of "developing a mutual conciliatory accommodation between antagonistic or formerly antagonistic persons or groups."³⁵

³⁵ Priscilla Hayner, UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITY (2001)

Generally, a call for reconciliation follows upon severe tensions that deeply affect the population; and these tensions are typified by atrocities and other forms of human rights violations. The degree of atrocities perpetrated often goes beyond the elimination of lives. It stretches even more painfully to the sadistic and atavistic practice of forcing individuals to live for the rest of their lives with physical evidence of the damage to their bodily integrity through maiming. It happened to some extent here in this country; and it was dramatized to an incredibly brutal extent in Sierra Leone with the practice of limb amputation.

It seems clear that man's inhumanity to man did not end with the transatlantic Slave Trade or with the Holocaust. Over the last 15 to 20 years, from former Yugoslavia to East Timor, from Sierra Leone through Liberia to Rwanda, ethnic and religious fanaticism, material greed and individual political ambition have subjected whole nations to some of the most barbaric atrocities ever recorded in human history.

Reconciliation may be further described as a process through which groups in tension seek a more just and peaceful coexistence. Alex Boraine characterizes reconciliation as a coming to terms with the past through accountability and the restoration of a broken community, thereby serving to shift the focus to the present and the future³⁶.

Thus true reconciliation occurs when a society is no longer paralysed by the past, and people can work and live together once again.

A common underlying theme involves building a relationship between groups or individuals. However, the definition of that relationship depends on culture or subculture, particular experiences of human rights abuse, one's position in the political structure, and personal circumstances.

One view of reconciliation equates it with moral conversion, in the sense of coming to appreciate a sort of Kantian innate dignity and spirituality of humankind, and the consequential wrong in treating fellow human beings in a

³⁶ Bouraine, A COUNTRY UNMASKED: INSIDE SOUTH AFRICA'S TRUTH AND RECONCILIATION COMMISSION (2000) @ p.295

manner unbecoming of that dignity. This requires a process of reflection, humility, repentance and forgiveness.

Another view holds that the past divisions were caused by difference, not simply differences of opinion, but difference in the sense of dissimilarity exemplified by sociological categories such as race, ethnicity, religion, and class. Thus, reconciliation is to be pursued by promoting inter-cultural understanding through communication.

A third approach views reconciliation as an opportunity to build a common ideology, a common “vision du monde”, aimed, for example, at national integration, non-racism, or social justice. A fourth emphasizes the importance of reconciliation in reconstructing those subtle and intricate relationships that make up the very fabric of community, by clearing up suspicions, fear and resentment regarding past actions and associations.

Sometimes these different ideas coalesce; and at other times, they compete and demand different strategies in implementation.

A number of factors influence the analysis of the differing postures of reconciliation. Louis Kriesberg finds variation in the meaning of reconciliation according to three general factors: units and settings, dimensions and degrees, and symmetry.³⁷

By “units and setting”, he refers to the players and the levels of people undergoing the reconciliation process. Here, reconciliation can occur between individuals, peoples, officials, governments, families or other groups or combinations thereof, in settings at variable levels that may correspond to country, region, city or neighbourhood.

Reconciliation can also vary in dimension and degree. These aspects are played out along differing dimensions of attitudes and beliefs, in which members of formerly antagonistic parties may (a) simply uncover and acknowledge terrible aspects of what happened between them; or go beyond

³⁷ Kriesberg: “Paths to Varieties of Inter-Communal Reconciliation”, (unpublished manuscript, 1998), cited in Lisa Magarrell “Community Reconciliation and Transitions (Temporary Internet File IE5/05QBOPAN/Lisa’s BET on Line.doc. Visited May 13, 2005

that and (b) accept with compassion, though not necessarily forgive, those who perpetrated the wrongs; (c) believe that injustices will be redressed; and (d) anticipate peaceful mutual security and well being in the future.

Finally, reconciliation may reflect enormous variation in terms of what Kriesberg had referred to as symmetry. In other words, in varying degrees, particularly in civil war situations, one side will claim to have suffered more than the other, and each side is likely to contest the relative suffering of the other.

The reconciliation process

There is uniform agreement that reconciliation is a process rather than a tangible or precise moment. The process has at least three dimensions. There is the political dimension, which involves reconciliation between the state and society, after state actors and their non-state accomplices through the abuse of state power have shattered the social compact. There is the social dimension, encompassing reconciliation of various communities within civil society, with special consideration for previously-marginalised ethnic groups. And there is the personal dimension, involving members of society who bore the brunt of mass violations in a most direct fashion.

How, then, does one work towards reconciliation? Put more optimistically, how does one achieve reconciliation? The starting point is the recognition that it requires strategies aimed at the serious reconstruction of the social and political pact. In this regard, Van der Merwe has written that... "People can not simply one day decide that they want to forgive and move on. They are not necessarily demanding vengeance. They are, at the same time, not simply willing to move ahead as if nothing happened. They demand to hear the truth and to be given time to consider it. They are often not willing to

forgive unless the perpetrators show remorse, and some form of reparation is offered.”³⁸

The pain, sorrow and hate that are bottled up in the victims of atrocities and maltreatment in general will never be completely eliminated. It will forever be pencilled in the bosom of the widow and the sexually-abused woman or man; in the psyche of the long-serving employee who was unjustifiably thrown out of his or her job; and in the soul of the businesspersons who had their investments wrongfully confiscated or their property blown up in explosives.

Indeed, those who advocate genuine reconciliation, not reconciliation of convenience, are to be regarded as great optimists and true statesmen and women. For the forces arraigned against the process are emotionally strong, complex, and multiplex. Unless the warring factions themselves have become emotionally exhausted by the conflict, reconciliation advocates invariably start on a rather weak footing.

For these reasons, it has been suggested that success in this endeavour may simply consist in reaching a point of mutual tolerance of a limited set of interpretation of events or beliefs.³⁹

In other words, “The Holy Grail of reconciliation” may never really be found. Moreover, reconciliation is a process that can be disappointing because it occurs in fits and therefore displays a swing between improvement and deterioration.

Reconciliation should be viewed more in terms of the future than of the present. The proper question then is: how do we move a traumatised society forward? Kriesberg⁴⁰ offers three broad approaches: structural, experiential, and interpersonal.

³⁸ Hugo van der Merwe, “The South African Truth and Reconciliation Commission and Community Reconciliation: A Case Study of Duduza” @ p.14, Published by the Centre for the Study of Violence and Reconciliation (Johannesburg, South Africa)

³⁹ Susan Dwyer, “Reconciliation for Realists” 13 *Ethics & International Affairs* (1999) @ p. 89

⁴⁰ supra

Policies and methods that can foster reconciliation and accommodation may be structural, involving the development of cross-cultural ties; creating human rights safeguards; making efforts at reducing inequalities; and sometimes, rather paradoxically, consciously creating “comfort zones” for particular communities through decentralization and in extreme cases, even voluntary separation such as happened in former Czechoslovakia and ex-Soviet Union.

The methods may be experiential, calling for the inculcation of appropriate feelings and ways of thinking needed to bring about and sustain reconciliation, through policies that give legitimacy to claims for justice, truth, reparations, and well-being. These might include public trials, education, public ceremonies, parades, monuments celebrating shared identity, and expressions of forgiveness.

Finally, the policies may also involve interpersonal methods, in which work is done on an individual basis, often in small groups and generally at the grassroots level, such as personal meetings between leaders from antagonistic sides, or special training workshops for reducing inter-communal antagonisms.

Reconciliation may require closing important gaps, such as the economic gap between the advantaged and the disadvantaged, in order to avert a social and political upheaval. Let me cite for you an aspect of our recent history to illustrate my point. The commotion and trauma of violence that the people of this country experienced in 1979 and the early 1980s did not just descend upon us like a fleeting chapter in Dante’s *Inferno*. Without ever attempting to justify those self-serving coups of 1979 and 1981, or to rationalise the uncalled-for barbarism that followed in their wake, the fact of the matter is that we as political leaders and leaders of civil society had at that point provided the adventurous coup-makers with an excuse by allowing the suffering of the masses to hit hell and high water; we had tolerated the display of nauseating opulence in an environment where poverty literally stared us in the face; and we had downplayed the impact of greed and bureaucratic irrationality in the award of contracts and in the distribution of public goods, because we ourselves were occasional beneficiaries of that system.

These concerns must not be treated as things of the past because we believe the era of coups d'etat is over. There is the need for a systemic and continuing public accountability; and there is the need for equity and class sensitivity at all times. We ignore them at our collective peril.

The technique of truth and reconciliation commissions

Let me now turn to the place of truth and reconciliation commissions in the reconciliation process. Since the highly publicized hearings on human rights violations in apartheid South Africa got underway in 1995 with the enactment of the Promotion of National Unity and Reconciliation Act, Truth and Reconciliation Commissions (TRCs) have become the preferred mechanism for initiating the process of confronting systematic human rights abuses. However, the South African TRC was not the first of its kind, and it will not be the last as long as human beings continue to butcher fellow human beings in the insane quest for political power, wealth, and ethnic and religious dominance.

Generally, truth commissions are bodies established to research and report on human rights abuses over a certain period of time in a particular country or in relation to a particular conflict. Truth commissions allow victims, their relatives and perpetrators to give evidence of human rights abuses, providing an official forum for their accounts. In most instances, truth commissions are also required by their mandate to provide recommendations on steps to prevent a recurrence of such abuses.

Truth and Reconciliation Commissions exist for a designated period of time, have a specific mandate, exhibit a variety of organizational arrangements, and adopt a range of processes and procedures, with the goal of producing and disseminating a final report, including conclusions and recommendations. Ultimately, the goals of such commissions are to render an account of past abuses of authority, to promote national reconciliation and/or bolster a new political order or legitimise new policies.

Closely related to, but different from, Truth Commissions are Commissions of Inquiry into specific events, which are more narrowly circumscribed by duration, location and/or individuals involved.

A close study of Truth and Reconciliation Commissions that have been established around the globe over the past 30 years reflect the variety and differing conceptions and objectives underlying these organs, as well as those aspects of human rights violations that were felt to be most acute in the society in question. A few examples from Latin America and Central America, Asia, and Africa will illustrate this fact.⁴¹

In **Argentina**, a 16-member National Commission on the Disappeared, created in December 1983, had a technically-narrow mandate: it was only concerned with disappearances. The Commission reported on 9,000 disappearances during the 1976-1983 military rule.

Chile experienced some of the most dramatic human rights violations in the developing world in the 1970s, following the CIA-led overthrow of the Chilean Socialist President Salvador Allende. Most of the alleged violations took place under Augusto Pinochet, who has lived long enough to feel the other end of the stick and to learn the difference between immunity and impunity. Chile's eight-member National Commission for Truth and Reconciliation, established in 1990 by then-President Patricio Aylwin, was requested to investigate human rights abuses resulting in deaths or disappearances during the years of military rule beginning on September 11, 1973 and ending on March 11, 1990.

In **El Salvador**, The Commission on the Truth for El Salvador, set up in July, 1992, was mandated by the 1992 U.N.-brokered peace agreements ending the war in that country. It will be noted that the Commission's title just talked about truth; there was no mention of reconciliation. However, the hope was that reconciliation would follow the baring of the truth; and this was revealed in the title of the report of the Commission: "From Madness to Hope: the 12-year war in El Salvador: Report of the Commission on the Truth for El Salvador".

Similarly, in **Haiti**, there was no specific mention of reconciliation; the main interest was in the truth and the justice that needed to be done once the

⁴¹ ["Truth Commissions Digital Collection", United States Institute of Peace, Jeannette Rankin Library Program, www.usip.org/library/truth.html, Visited 5/7/2005

truth became known. A December 1994 executive order by ex-President Jean Bertrand Aristide established Haiti's National Truth and Justice Commission to investigate human rights abuses over a three-year period. This period spanned from the September 30, 1991 bloody coup that overthrew elected President Aristide until his restoration to power following the September 1994 occupation of Haiti by 20,000 U.S. troops.

In **Guatemala**, the main interest was to set the historical record straight. The **Historical Clarification Commission (CEH)** was established on June 23, 1994, as part of peace agreements between the Guatemalan government and the National Guatemalan Revolutionary Unit (URNG), to investigate human rights violations in the 36-year armed conflict in this country. The commission's final report, entitled in English *Guatemala: Memory of Silence*, was an attempt to memorialise for the benefit of history, the culture of silence which emerged as the inevitable response of a traumatized population.

In **Asia**, Nepal's Commission dealt specifically with the problem of displaced persons. Named the Commission of Inquiry to Find the Disappeared Persons, the commission's mandate was to examine allegations of human rights violations during the autocratic Panchayat system under which political parties were banned from 1962-1990.

East Timor's Commission had a broad mandate and contained an explicit role for confessions.

In July 2001, the UN Transitional Administration in East Timor established the Commission for Reception, Truth and Reconciliation with a three-part mandate: (1) to investigate human rights violations committed there between April 1974 and October 1999, resulting in the death of an estimated 200,000 East Timorese; (2) to facilitate reconciliation and reintegration of minor criminal offenders who submit confessions, through local "Community Reconciliation Processes"; and (3) to recommend further measures to prevent future abuses and address the needs of victims.

In **Sri Lanka**, the authorities appointed different but co-equal Commissions which were not just concerned with investigations, but had the power to bring charges as well. However, they were tailored specifically to the problem of displaced persons.

In November 1994, President Chandrika Bandaranaike Kumaratunga appointed three different Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons, each assigned to cover a different geographic part of Sri Lanka. Their identical mandates were to investigate whether individuals had "disappeared" from their abodes since January 1, 1988, determine the fate of the disappeared and bring about charges against those responsible for the abductions. Eventually, compensation was paid to the relatives of some of the victims, and over 400 members of the country's security forces were duly charged with human rights violations.

South Africa is Africa's trailblazer in the experiments with Truth and Reconciliation; and the emphasis there was on the grant of amnesty on the one hand, and, on the other hand, the power of prosecution lodged in the bosom of the Commission.

The Commission of Truth and Reconciliation was set up in 1995 by the South African parliament to investigate human rights violations during the apartheid-era between 1960 and 1994. Chaired by the celebrated Anglican Archbishop Desmond Tutu, the Commission established, among others, an amnesty committee to receive applications from perpetrators of such violations. A reparation and rehabilitation committee was also established to recommend appropriate forms of compensation for human rights victims.

Chad had a commission that actually predated the South African Commission, but never attained the universal fame of the latter body. The Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habre, His Accomplices and/or Accessories was **established** on December 29, 1990 to investigate crimes committed during the eight-year rule of Hissein Habre. It will be noted that Chad's Commission was set up not just for human rights violations, but financial malfeasance as well—a kind of CHRAJ with pre-selected targets for investigation.

Sierra Leone's Commission was a direct by-product of a civil war situation. It brought to the forefront the issue of impunity as a possible consequence of participation in the work of the Commission.

A **peace agreement** between the government of Sierra Leone and the rebel Revolutionary United Front called for the establishment of a **Truth and Reconciliation Commission** within 90 days after the signing of the agreement on July 7, 1999. The commission was later **enacted** in 2000 by the President and Parliament. It was mandated to produce a report on human rights violations since the beginning of the conflict in 1991 and issue recommendations to facilitate reconciliation and prevent a repetition of past violations. The commission was to address the thorny problem of impunity and provide a forum for both victims and perpetrators of past abuses. Broad **amnesty provisions** in the agreement laid the basis for a grant of pardon and immunity from prosecution to combatants and collaborators for abuses committed during the armed conflict.

In Ghana, we have had our own experience with reconciliation commissions. In December 2001, the Parliament of Ghana passed Act 611 establishing the National Reconciliation Commission to investigate allegations of human rights abuses during specified times of perceived instability and unconstitutional rule. The law entered into force on January 11, 2002.

The mandate of the Commission, as set forth in **Act 611**, was to seek and promote national reconciliation among Ghanaians by establishing an accurate and complete historical record of human rights violations and abuses related to the killing, abduction, disappearance, detention, torture, ill-treatment, and seizure of property within the period of March 6, 1957 to January 6, 1993. The Commission was also charged with making recommendation for redress of human rights abuses and for institutional reforms to prevent such occurrences in the future. As we all know, the Commission's report has already been submitted to the Government.

Critique of the concept and process of reconciliation

Allow me at this stage to raise a few points that might serve as a conceptual and political critique of the concept and process of reconciliation. I speak of critique rather than criticism; for the point is not to find fault with others, but to raise matters that require further introspection.

The deeper we think about it, the harder we are hit with the complexity of the concept of reconciliation; and the more we realize that it is a potentially contradictory, shifting process marked by feelings of ambivalence and the need for contextualization.

Is it possible to arrive at a core set of concrete, shared beliefs about reconciliation? If not, why is it so difficult to create a consensus on the subject?

As Monica Patterson has noted, “reconciliation” in its abstraction seems like either a utopian dream or empty rhetoric when it fails to confront the specific, shifting and complex needs of the parties involved, and the limited resources available for determining and meeting those needs.⁴²

A cynic would also claim that there are many instances of insincere “reconciliations of convenience” that frustrate recovery efforts across the globe.

Embedded within the term “reconciliation” are clusters of meanings, values and assumptions that are ethically problematic and lack universal appeal or relevance. For example, who bears the burden of reconciliation when it is simply equated with or signalled by forgiveness? Is it those who have already suffered the most? Often missing from the idea of reconciliation is the necessary emphasis on the needed sentiments of guilt and shame on the part of the perpetrators and of the beneficiaries of their atrocities.

Moreover, the idea of reparations is not always given the paramount role it deserves. Reconciliation sessions cannot simply be about forgiveness for the perpetrators and catharsis for the victims. Reparations should be firmly

⁴² [Patterson, “Reconciliation as a Continuing and Differentiated Process”, *The Journal of the International Institute*, University of Michigan, p.1. (visited May 8,2005, www.umich.edu/~iinet/journal/vol9no2/patterson_recon.html)]

embedded in any concept of reconciliation. Viewed comprehensively, reparations will have both economic and symbolic elements, as well as individual and collective beneficiaries.

Individual economic reparations will cover payments of pensions and or compensation for the victims or their successors; i.e. the dead or disappeared, those permanently, partially, or completely disabled, persons unjustly imprisoned, rape victims and children of rape.

As regards collective reparation programs, some aspects are more relevant to post-civil war situations in which large communities and other population centers have lost their social and physical infrastructure. Here, there should be rapid recovery and reconstruction of such infrastructure. Symbolic collective reparations, such as memorials, sites of memory, and halls of martyrs, are meant to establish psychological markers demonstrating the will of the state and society to reject those past acts of violence and to assure the population that they will not be repeated.

In this connection, we might think of establishing a National Reparations Fund to finance the various components and actions of a Comprehensive Plan, sponsored principally by resources from the national budget to ensure its viability, but open to individuals, companies, charitable institutions, foreign-based humanitarian programs, and foreign government grants. Contributions from individuals and domestic companies could be accorded tax-deductible status. With individuals, let us not forget that some of the erstwhile perpetrators may have become wealthy people and should be atoning for their sins in a material way.

Whether or not prosecution or civil suits follow from the work of reconciliation commissions, the perpetrators may be encouraged or pressured to make contributions into such a fund. After all, artificial legal persons such as corporations, with absolutely no moral sensibilities of their own, have been known to make reparations after being publicly exposed in improprieties or atrocities ranging from supporting or benefiting from the Holocaust, to discriminating against their employees, exploiting their workers, and unethically marketing destructive products such as tobacco products. In this

way, the sentiments of guilt and shame can be turned into productive action through giving.

Where prosecutions and convictions follow the work of Commissions, reparations in the form of fines, rather than custodial sentences, should be the guiding penological principle.

Now, on the assumed correlation between truth-telling and reconciliation: South Africa's Truth and Reconciliation Commission, and many others, premised their dream of reconciliation largely on "truth" and amnesty. The full logic of the assumptions made might be expressed as follows: amnesty encourages truth, truth leads to reconciliation, and reconciliation leads to democratisation or some other desired political ideal.

But, we may ask the question: "What does truth do?" Does not the model of reconciliation through truth make huge psychological assumptions whose validity may even depend on cultural norms? Might there be cultures and subcultures in which pain is allowed to make such an imprint on the individual psyche that no amount of truth-telling will lead to reconciliation even in the long term? Further, does the equation of truth-telling with catharsis for the victims hold much water?

I believe it is fair to state that some individuals will never be reconciled with their assailants; and that a simple one-to-one correlation of healing through truth will not work. That will not make reconciliation as a national exercise a meaningless experiment; but it does mean that we need to do more for the victims after the truth has been told. And it means that we need to put in place structures and institutions that will considerably reduce the likelihood of the background cataclysmic events from re-occurring. I will return to this point in a moment.

While we are still on truth-telling as a facilitator of recovery, we may pose the question: How much of the truth is really told at these commissions? This is particularly pertinent to those Commissions clothed with the authority to grant amnesty from suits. Many of those who appear before such Commissions are believed to have lied or refrained from telling "the whole truth" in their testimonies. All they needed to do was to tell just enough truth to qualify for amnesty treatment.

Indeed, there are witnesses who come before these Commissions wearing masks. Paul Laurence Dunbar, the 19th to 20th Century African American poet from Ohio, has, in one of his poems, exposed the wearers of masks in the public domain for what they are: ⁴³

*We wear the mask that grins and lies,
It hides our cheeks and shades our eyes---
This debt we pay to human guile;
With torn and bleeding hearts we smile
And the mouth with myriad subtleties,

Why should the world be over-wise
In counting our tears and sighs?
Nay, let them only see us, while
We wear the mask*

There are other issues of principle worth raising. First, to what extent can amnesty coexist with the principle against impunity enthroned in international human rights law? If impunity is accepted, does this mean that we are seeking national peace at any cost? But is peace an inherently higher moral value than justice?

Furthermore, there are core categories utilized in the reconciliation discourse that do not always accommodate the complex experiences and circumstances of mass violence. For instance, reconciliation is often conceived of as a process involving two categories of persons: “victims” and “perpetrators.” As a result, little attention is paid to more complicated degrees of complicity such as that found among “bystanders” and “beneficiaries” of the mass violence. How do truth commissions help in unmasking these characters, when we are concerned with a genuine and broad-based social recovery?

And there are still other categories of social conflict that are not mentioned in the social recovery or reconciliation process. It was the Harvard University moral philosopher John Rawls, who, in his 1971 book entitled *A Theory*

⁴³ “We Wear the Mask” (1895)

of Justice, helped to popularise the notion of intergenerational justice, or justice between generations. Intergenerational justice has been discussed in such contexts as the appropriate rate of capital savings, public investment in education, the conservation of natural resources, and the environment of nature.⁴⁴

Rawls deploys two peculiar core concepts - “the original position” and “the veil of ignorance” - to construct his general theory of justice as fairness.⁴⁵

With particular reference to intergenerational justice, Rawls relies on those two conceptual tools to draw out rules that will be fair to the next generation because persons in the original position would have no information as to which generation they would belong. He asserts that “the life of a people is conceived as a scheme of cooperation spread out in historical time. It is to be governed by the same conception of justice that regulates the cooperation of contemporaries. No generation has stronger claims than any other.”⁴⁶

He continues: “...persons in different generations have duties and obligations to one another just as contemporaries do. The present generation cannot do as it pleases but is bound by the principles that would be chosen in the original position to define justice between persons at different moments of time.”⁴⁷

Lack of adequate intergenerational justice leads to intergenerational conflict; and the latter has at times resulted in violence within and across com-

⁴⁴ Rawls, p. 137.

⁴⁵ The original position, a purely intellectual construct having nothing to do with an actual historical state of affairs, describes an initial position of equality which corresponds to the state of nature in the traditional theory of the social contract as found in Locke, Rousseau, and Kant. “The veil of ignorance” symbolizes the curtain behind which all parties wait as they prepare to make decisions on just rules and institutions, with no one knowing beforehand what their place in society would be, their class position or social status, or their fortune in the distribution of natural assets and abilities, their intelligence, strength, and the like.

Rawls, p. 11-12

⁴⁶ Rawls, p. 289.

⁴⁷ Rawls, p. 293.

munities. This underlines our point that we have imposed unhelpful limits to our notions of victimhood in our discourse on reconciliation.

When one generation insists on an opulent lifestyle without ensuring adequate budgetary allocation for sound and affordable educational facilities for the youth, what do you get in return but an army of social malcontents, street hawkers and street blockers who act as if they are ready to join a revolution at anytime? At the community level, how do we expect future generations to react peacefully when the elders of particular communities systematically parcel off ancestral land for sale to the highest bidder without regard for the needs of future generations?

Focusing on the emotional relations among people, we have tended to neglect the more concrete need for fundamental economic redistribution to address the legacy of social injustice. How can we get the historically-advantaged to empathize with the problems of the historically-disadvantaged?

There are other ancillary but delicate matters worth mentioning: namely, the choice and comportment of members of national reconciliation commissions; modes of testing the truth in allegations made at the hearings; the cut-off points or historic periods for their investigations; and the possible role of the courts in the reconciliation process.

We grant that individual members of a national reconciliation commission, or a truth and reconciliation commission, like all concerned and well-meaning patriots of the country in question, will have been outraged by the atrocities and other massive violations of human rights that led to the establishment of that commission in the first place. But beyond that, if the commissioners are known or perceived as strong partisans of dominant political parties, or consistently exhibit hostility towards certain witnesses or categories of witnesses once they begin to sit as commissioners, they run the serious risk of losing their legitimacy in the eyes of the public.

Related to this is the need to validate some of the allegations made at the commission hearings. While it will be a mistake to judicialise the proceeding of these Commissions, due process demands that witnesses who come over to make serious allegations against others should be made to face a

certain degree of cross-examination to straighten out contradictions and expose contrived stories. Moreover, the possibility of mistaken identities and memory lapses is always present. It seems fair to assume that not every alleged perpetrator was in fact a perpetrator; and that a confessed perpetrator might not have committed atrocities to the extent portrayed by the complainant or the media.

Next, what should be the appropriate cut-off point for telling the story of atrocities in any society? It stands to reason that there should be a cut-off point for the work of these commissions, for it will be pointless to investigate societal atrocities since Adam. These bodies are indeed typically occasioned by more or less recent experiences with excessive violations of human rights, in which sizeable sections of the entire population feel or remember their anguish or those of their loved ones. And yet the choice of dates is important, for a careless decision gives the impression that the exercise is merely for witch-hunting of particular political parties or political leadership.

Finally, we recognize that the process of truth and reconciliation is wider than the vindication of justice through the court process. One of the basic objectives is the cleansing of the soul of the nation as a whole. Thus, it has been the view of some influential persons that the telling of the truth should not necessarily lead to court prosecution and jail terms. For, if this was the primary goal, we would not need to set up a truth and reconciliation commission as we now understand it. All we would need to do is to institute criminal and civil proceedings against the alleged perpetrators after thorough investigations have been carried out by our established law enforcement agencies or ordinary commissions of inquiry.

We may therefore not wish to resort to the courts or authorise truth commissions to order the payment of reparations. But we also have to admit that the idea of enthroneing impunity as the condition for peace and reconciliation continues to represent an abomination to victims and many well-intentioned members of the public.

Conclusion

Let me conclude by emphasising the appropriate psychological premises for any meaningful exercise in truth and reconciliation.

Whether we are saddled with the limited-purpose commissions such as those of El Salvador or Ghana, or the more powerful types such as those of South Africa and Sri Lanka, we must understand that the perceived perpetrators must be willing to come forward to cough out the truth and accept moral responsibility for their acts; the perceived victims or their survivors and personal representatives must be willing to forgive to a certain extent; and the state, aided by civil society, should be willing to compensate the victims to the extent that is materially possible. Where the alleged perpetrators are unwilling to come forward or the commission is rather skittish about calling them as witnesses, the process of reconciliation starts on a faux pas.

The atrocities and scandals that are uppermost on the minds of the people must be addressed; any attempts by the authorities to sweep them under the rug for political convenience or out of fear of a political backlash will produce farce.

But, rather than viewing truth or reconciliation commissions in terms of their shortcomings and lost opportunities to have achieved more, we must conceive of their work as part of a larger and ongoing process within the dynamic nature of social recovery. And that work should constitute the background and inspiration for the next initiative of laws, institutions, programs and civil society organizations that will move us closer to the ideal of a more reconciled society. Reconciliation is a process, not an event or the submission of a commission report, or the issue of a government white paper thereon.

Second, reconciliation must be a highly differentiated process. That is, apart from the larger, national plane of reconciliation, localized and context-specific attempts must reflect the particular needs and resources of specific communities. Beneath the macro-conflict which often receives the glare of national and international publicity, there is the formidable undergrowth of sub-conflicts at local and community levels that need to be resolved if real

reconciliation should be achieved. In a very real sense, reconciliation, at least at the interpersonal level, needs to be built from the bottom up; for, as the seemingly intractable Dagbon crisis had demonstrated, intra-community dynamics may take on different forms even when there are common dimensions of peace all over a given country.

Third, rather than looking for “the best” form of reconciliation, we should look for as many forms of reconciliation as possible, paying attention to both immediate and long-term crucibles of social conflict, and possibilities for containing them.

The task is daunting, but we cannot give up. We had better fix this country of ours and avoid another implosion; for this is the only corner of the world we can truly call our own. Let me end on a note of patriotic exultation with a quotation from Camara Laye, the famous Guinean writer of *L’Enfant Noir* or the African Child, one of my favorite writers while in secondary school.

In a second book published in 1966, entitled *A Dream of Africa*, Camara Laye expresses in this poetic prose, the deep feelings of anybody who has had to live away from home for a very long time:

.... For, all those years which had kept me away were in fact years of exile; one’s native land—whatever one does, and despite the generosity or the hospitality one finds in other countries—will always be something more than just a patch of earth; it is the Earth itself!! It is one’s family and one’s friends, it is a familiar horizon and ways of life which the heart within one, may well retain, but which it never willingly surrenders over and over again to reality...⁴⁸

⁴⁸ *A Dream of Africa*, Fontana Books, 1966

RECONCILIATION AND NATIONAL INTEGRATION

By H.J.A.N. Mensa-Bonsu

*"Dealing with the past is not dwelling in the past-
it is part of the promise of a new future"*

Alex Boraine.

Introduction

Ghana has long sought a means by which she could intervene and reconcile her citizens who are at odds one with the other, over abuse and misuse of state power to the detriment of some of her citizens. As policies adopted by each civilian government and each military intervention created a 'them' and 'us' proposition, new classes of victims who were nursing various types of hurts were created among the citizenry. The eventual realisation, that such hurts produce bitterness and negative feelings, that can be passed on from generation to generation, and thus have the capacity to undermine national cohesion and the eventual stability of the state, have produced sporadic efforts to establish a mechanism of some kind to address the relevant issues.

The need to have and maintain national cohesion, has been identified as a prerequisite to national stability and a condition precedent to any development effort, the need to address factors that produce disaffection within the body politic has been further strengthened by certain obvious realities: that every country depends upon certain attitudes such as, the feeling of being well-protected, the sense of belonging, the trust that the state would afford assistance in times of distress and difficulty, in short, a sense of "home", to secure the commitment of the citizens to its preservation. Feelings of belonging to the "*patrie*" are thus the stuff of which patriotism is made. Patriotism in turn forms the building blocks of the polity and determines the psychological toughness and resilience of the body politic to withstand external threats and shocks. There is no denying, the fact that no country can hope to enjoy any of these necessary sentiments of nationhood, if many of its citizens are unwilling or unable to peaceably co-exist on account of

grudges that they bear towards it, and towards one another by reason of injury and oppression suffered at the hands of those who were acting in its name at particular points in its history. Lest we should think these are fanciful projections, a sobering fact is that one of the common characteristics of each of the “failed states” of Africa has been its failure to develop commitment and attachment of its citizens to its existence and preservation. This failure has, in its turn, created a feeling in some citizens that they would be better off if they were not a part of that particular political entity. Thus, the country’s unity, its peace and tranquillity and consequently its progress and development, are all dependent upon its relationship with individual citizens.

These facts must lead to an appreciation that any effort to cultivate genuine peaceable co-existence is vital for the nation's survival as an entity, for if anyone believes that the existence of a large number of disaffected citizens within and outside a country does not pose a threat to the nation's peace and stability, then it is only because peace, as a commodity is taken for granted, and like good health, is appreciated only when it has been lost. Fortunately for us, the West African sub-region is replete with examples of the result of a failure to iron out issues that pertain to individual and group-grievances, and we still have the opportunity to decide along which path to travel.

A need to reconcile the nation at large?

Ghanaians from all walks of life have, since the late 1980s, been harping on the need to reconcile this nation. This must surely be because they knew and felt that the country was so divided that she could not hope to maintain her internal cohesion and progress in the future unless some effort was made to put her fractious parts together.

From the middle of the 1980s, the need to take steps to reconcile the nation was always the theme of Resolutions by the Ghana Bar Association at its Annual Conferences, and was the reason it constantly called upon the government to grant amnesty for all Ghanaians living in exile, release all political prisoners, repeal all draconian laws and return the country to constitutional rule. Other civil society groups such as the Christian religious

bodies, represented by the Christian Council and the National Catholic Secretariat, added their voices to these calls to the government to reconcile the country. In April, 1992, the Catholic Bishops' Conference in making proposals to the government on the transition to constitutional rule restated the call thus: "We have constantly been calling for reconciliation in our political and social life".⁴⁹ Again, in 1994, the Presbyterian Church's Synod adopted the theme "The Church as an Agent of Reconciliation" and observed,

"Unfortunately, our nation is yet to establish a congenial atmosphere necessary for rapid socio-political and spiritual growth for effective national development."⁵⁰ This statement was also intended to affirm the link between national cohesion, and the nation's development and growth, and to demand that something be done to reconcile the nation. None of these demands for the government to initiate moves to reconcile the nation was being made in a vacuum. They were all being made on account of the fact that everyone was conscious of a socio-political reality: that Ghana's foundation had major fault lines which had opened up serious cracks which needed to be soldered if the peace and unity of the state were to be maintained.

The very use of the word "reconciliation" is indicative of a state of fractiousness that is sought to be cured, and therefore the fact that Ghanaians were unanimous, long before now, on the need for reconciliation even though they differed as to how to do it most effectively, is still suggestive of a less than salubrious state of affairs within the country. The word "reconciliation" often evokes images of two former adversaries dropping their animosities and shaking hands in friendship, or persons in disagreement suddenly dropping their antagonisms and agreeing to work together as one. How-

⁴⁹ Ibid.

⁵⁰ "Message from the 65th Synod of the Presbyterian Church of Ghana to the Head of State in 1994" in CRY JUSTICE. A compilation of Messages, Addresses, Resolutions, Statements and Communiques issued by the Synod now General Assembly of the Presbyterian Church of Ghana to various Governments of Ghana, Presbyterian Church of Ghana, Accra, 2004, p.88.

ever, these are not the only meanings of reconciliation, for when an accountant speaks of reconciling an account then it means ensuring that figures on one side agree with those on another side of the account, and when historians use the word, then they mean putting various versions of a historical account together and sifting the truth from the picture that emerges. "Reconciliation" according to the Chambers' Dictionary has any of the following meanings (1)"to restore or bring back to friendship or union"(2) "to bring to agreement or union"; (3) "to pacify"; (4) "to make, or prove consistent"; (5) "to adjust or compose", etc. All these meanings of the word "reconciliation" carry their own connotations, and all of these are germane to issues pertaining to the reconciling of a country made up of disparate nations or communities, for, surely it is not because only a few people were at odds with one another that fuelled the calls for national reconciliation in the first place!

"To make, or prove consistent" means to have information with which to make such proof possible, and to be provided with information is to have the requisite knowledge about a particular situation. It is said that "To know is to understand, and to understand is to accept." This means that in order to produce "agreement" and achieve unity of purpose, appropriate information pertaining to events that originally produced the state of fractiousness has to be given, reasonable excuses for past behaviour made and whenever necessary, apology for past misconduct rendered. In addition, the need to learn to forgive each other for the sake of our common well-being must be demonstrated to all, so that each person would be empowered to act for the common good. It is when such steps have been taken that agreement to let bygones be bygones, on the scale that is required, can be secured. This, then, is what national reconciliation is about, and it is the reason why any effort at reconciliation must involve all segments of the country and not just some. It is also the reason why the terms of such reconciliation must be acceptable to the generality of the populace, and not just to a few powerful ones. In this century that I call "the people's century" no one is a super-citizen whose needs and desires override everyone else's, and no one is a sub-citizen, too small or insignificant to be acknowledged.

The country Ghana was born 48 years ago, but the nation Ghana is still in the process of being formed, for “nation” is defined as “a body of people marked off by common descent, language, culture or historical tradition, whether or not bound by the defined territorial limits of a state”.⁵¹ Ghana is thus now attempting to become one body of people with a “common descent, language, culture or historical tradition” as its component parts are made of disparate nations brought together by colonialists and welded into an administrative political entity. “Integration” on its part means “to make up as a whole; to combine;” or the “unification into a whole [of] the diverse elements of a community.”⁵²

National integration then, means drawing together all disparate elements that make up a country for the purpose of making them as one, with a common soul and with common aspirations, or simply put, a “nation”. Disparate elements that co-exist, even within the same geographical space cannot be said to be a “nation”, nor can they forge ahead together, unless they have ties that bind them as one, and that mandate them to act with unity of purpose.

The process of moulding us into a real union began on 6th March, 1957, and has engaged the attention of everyone since. We still despair on occasion, of ever becoming that “one body of people” that we all yearn to be, but we must also appreciate that some of our agonizing moments are in fact, the unavoidable birth-pangs of nationhood that are so painful to endure, as a famous poet has expressed it, “This birth was hard and bitter agony for us like death, our death”.⁵³ What is important is that we do not despair because 48 years in history represents only 1.5 generations, and is only a small measure of time indeed, for people who have been accustomed to defining themselves by particular reference points, to alter those reference points in favour of another. What we can hope for is that a conscious effort to alter the frame of reference would be made, and thereby

⁵¹ Ibid.

⁵² Chambers Giant Paperback English Dictionary, Larousse plc, Edinburgh, 1996.

⁵³ “The Journey of the Magi”

successfully substitute 'Ghana' for whatever else claims the citizens' allegiances.

National reconciliation thus entails the adoption of measures calculated "to bring to agreement or union" all the diverse elements of a community by affirming each element's sense of worth and sense of belongingness in the union. Such affirmation would also dictate the necessity of creating a socio-political environment that enables each of the elements to feel accepted and respected. The building blocks of national integration are therefore based on values that are intangible though not by any means insignificant. These are "acknowledgement that one belongs" and not "alienation"; "affirmation of one's importance" and not "denial", "respect for one's dignity" and not 'disrespect' "equity in the sharing of resources" and not "inequity" "equality of access to common goods" and not "discrimination" "acceptance of one's essence" not "rejection" "tolerance of one's difference" and not "insistence on uniformity" "welcoming environment" and not "hostility". These intangibles are the cement of nationhood.

That Ghanaians have been set at odds, one with the other, by the use, misuse and abuse of state power as an instrument of terror through acts of omission or commission by office-holders and those who had control of state power at various points in time, is now no longer a fact that can be disputed. Some of these acts predate the formation of the polity called Ghana; others date from the events occurring in the immediate pre-independence era; and still others after Independence in 1957. Some of the acts that predated the establishment of the polity, were the product of agreements made in Europe by the European Powers over which people here had no control, and about which they knew nothing. In particular, the Berlin Conference of (1884-1885) that led to the partitioning of a land which had its own indigenes, into spheres of influence among the European Powers that gathered there; and the seizure and partitioning of territories claimed by Germany between Britain and France as a result of the two great World Wars, which had tremendous import for the indigenes of the areas so affected.

Other fallouts of colonialism, such as the creation of ethnic animosities by reason of the adoption of policies aimed at facilitating political domination of

the indigenous peoples; the fanning of historical ethnic rivalries as a means to “divide and rule”, all helped to produce suspicions that disabled the peoples from settling their differences. The formation of national political parties in the immediate pre-independence era helped to bridge some of the old gullies of inter-ethnic strife, but opened up new ones.

The practice of partisan politics and personal power struggles among the leaders helped to deepen some of the new fissures or to widen some of the old ones, thus aggravating the fault lines within the polity. Events of the post-independence era, largely fuelled by our own understanding (or the lack thereof) of what it took to build a nation, and our inability to achieve consensus on how to do so by the most efficient means, coupled with leadership as well as inter-generational power-struggles have widened the lines of fissure even more. The result of our inability to achieve and maintain consensus over what national interests demand, has been the multiple ills that have plagued this country, and that have generated all manner of internal struggles, resulting in the adoption of measures as extreme as attempting to separate from the polity, the shedding of the blood of the leaders ostensibly to cleanse the land, through the imprisonment of persons deemed to be enemies of the state, to the chasing into exile of citizens of the land. None of these strategies has worked with the certainty of success with which they were begun.

National integration – a development imperative

It must be clear to everyone now that the various nations and communities within the geographical entity called Ghana are bound to each other, willy-nilly, for better or for worse; and that there is no other viable option for re-organizing the polity other than remaining together. The acknowledgement of this reality means that there are hard decisions that have to be made by everyone. Do we agree to sink our differences for our common good in a bid to achieve an even closer union, or do we choose to tear ourselves apart in order to win pyrrhic victories? Given the current state of world affairs, the latter choice would produce war, chaos, disintegration and even re-colonisation (which is the reality of all the states that are under peace-keeping forces), whilst the former choice holds the promise of development

and the promotion of a secure environment for the actualisation of personal and group goals. The country, then, must devise strategies to produce the requisite peace and calm among the diverse elements of our society, by going back to the drawing board, to re-design the means of achieving consensus and agreement as to what should be the way forward.

The first thing is to design a process for unearthing the truth about past events, for knowledge of the truth of past events is essential. When a nation is able to confront its past, it must come to an acknowledgement that it erred, and show some remorse. Indeed, many of the wrongs for which atonement must now be made, occurred as a result of teething problems associated with the immature stage of development as a state. This is an acknowledgement that has to be made, for, Ghana and Ghanaians must now come to the point of making a Paul-like confession: "When I was a child I spoke like a child, I thought like a child, I reasoned like a child; when I became a man, I gave up childish ways".⁵⁴ Giving up "childish ways" means the acknowledgement of one's personal fault with honesty and humility, and then making attempts to right wrongs done. Therefore those who feel alienated from the scheme of things because of suffering they endured, must be brought back within the fold by gestures that would enable them to overcome the trauma of rejection, and put the past behind them, thereby ensuring that we rid the future of the debris of the past.

It is also important for the whole society, not just the enlightened parts, to be provided with accurate information on their past in order to bring everyone "to agreement or union". Far from being a waste of resources, it is an investment in the future peace and tranquillity of the state. No one can deny the importance of accurate historical information, which often is unavailable because particular groups of power-brokers may have hi-jacked the nation's history at particular points in time, or may have distorted events to paint a picture that is entirely false or unflattering to other groups. If accurate information on a nation's past is made available, then what went wrong can be more easily identified, and fashioning out a future devoid of

⁵⁴ The Holy Bible, (Revised Standard Version) 1 Corinthians: 11-12. Bible Society of South Africa, Cape Town, South Africa.

those mistakes is much more certain. Such information also enables a proper assessment of the contributions made by generations past – whether for good or ill – to be made and even if belatedly, for an acknowledgement of the price paid by some citizens in the history of the particular nation to be done. Such systematic acknowledgement of everyone's contribution is bound to foster an atmosphere of peace and tranquillity as there would be no need for rivalry among interest groups to claim the limelight for themselves only. Thus, straightening out the history of the country is an important endeavour if everyone is to accept, and be reconciled to, the recorded history of the country and its events as they really happened, and not as they were allowed to be recorded. Where groups can live together in peace because each one accepts the others' contribution to the community, the incidence of internal power struggles would be minimized.

Whatever mechanism for truth-seeking that is adopted should also unearth fundamental values of the community that were violated. This would eventually produce consensus on standards of acceptable conduct, and be a milestone on the journey towards creating a body of people with common values, and ensure that never again would any of its citizens be exposed to such suffering without legal redress or remedy. Again, from such consensus should emerge the need to actively develop strategies to prevent the creation of the kinds of environment that produced those tragic events of the past. Such strategies may require the reform of existing institutions; the strengthening of some governance structures; the development of new policies and laws; and the prescription of new codes of conduct, etc., and this must be the task of every state that is desirous of maintaining its territorial and structural integrity, since no state is composed of homogenous elements, distinguished neither by class, ethnic origin nor race.

The next step after the truth-seeking process is to find ways to make reparation for past wrongs, or to give redress to those nursing grievances to the end that the victims might feel the remorse of their nation and so drop ideas of personal revenge. Such effort at making reparation would not only give the nation a first-hand experience of how expensive its past mistakes have been, but would also discourage future behaviour of that kind, as there would be an indelible record of the price of such adventures.

Making reparation also affirms values that the nation recognizes as being necessary for its well-being, and thereby teach future generations what values have to be upheld in the conduct of national affairs. Such steps are bound to generate positive feelings towards the state, and so maintain the country's structural integrity and even improve its cohesion. Many are the reasons, falsely dressed in the garb of economic non-feasibility, that some would advance against doing the right thing by all its citizens. However, what everyone must appreciate is that these reasons are spurious, and can only lead to the deepening of the culture of impunity that made all those wrongs possible in the first place.

Upholding impunity is, at once, a jettisoning of all the intangible values that nation-building requires, and the greatest enemy to everyone's sense of personal security and well-being. Nor should we be queasy about financial payments as reparation, after all, everyone who goes to court to redress a wrong would have to be elected to receive money in payment for the wrong done. How different then are they from those who seek recourse before a body such as the National Reconciliation Commission? Were it possible for the State to be sued for the wrongful acts of its agents at the time they were done, the state would still have had to find money to pay whatever damages the courts would award. For the victims still nursing grievances, Alan Rigby has wise words: "Forgiveness, in the sense of relinquishing the quest for revenge, is the prerogative of the victim/survivor. But in exercising that power, people can liberate themselves, escape the grasp of the past, and become more fully human"⁵⁵.

Ghana has to face some bitter truths about herself, and ensure that such events are never again permitted to occur. This pledge of "Never Again", can be upheld only if there is knowledge as to what really happened; who was wronged and by whom; whether such persons were indeed acting in the name of the state; and consequently whether the state must bear the cost of making amends. In thus seeking to do right by those found to have been subjected to unjust treatment, those victims would be enabled to

⁵⁵ Allen Rigby, Centre for the Study of Forgiveness and Reconciliation, Coventry University, The United Kingdom.

come to terms with what happened and why it happened. True reconciliation would then become possible because genuine efforts shall have been made to right past wrongs and thus give the nation a chance to move forward into the future in unity and hope.

As has often been emphasized, reconciliation is a **process** and not an **event**. In the same vein, national integration is also a process as it does not occur at a fixed point in time and place, but is made of a series of policies and actions, that achieve their purpose only in the fullness of time. The policies and actions required may not only affect the external environment, but also require changes in personal attitudes, such as mutual respect in inter personal interactions. This fact means that national integration involves actors at both the macro and micro levels. Individual acts such as hate speech or speech that offends the sensibilities of some groups, impact upon efforts at achieving national integration and must be punished as offences against the whole entity. Civil society groups that have been built on, and achieved a modicum of consensus across the existing fault lines of class and ethnic origin, have an inestimable role to play. In particular, the Faith Community where people come together as brothers and sisters to share fellowship and interact with each other as co-adherents of a faith, has no peer in helping to shape national values based on mutual respect and decency. The Faith Community would therefore have failed in its duty if it did not grab the opportunity to offer leadership in the process of promoting national integration through national reconciliation, however construed and understood.

Another important group of people are the teachers at various levels of education. They owe it to the nation to teach the correct history of the nation to the young people under their care, and to ensure that the pledge "Never Again" is carried on across generational lines, because if we allow the nation's youth to forget the lessons that have to be learnt, then we imperil the future of our country. This means, of course, that textbooks that portray the history of the country accurately must be written for use in schools. If teaching accurate history to the youth were not a vital mechanism for transmission of vital lessons of history, the recent dispute between China and Japan over the inaccurate accounts in Japanese school text-

books of Japan's role in World War II, would not have occurred. For the same reasons as the Chinese felt that an unwillingness to teach young people exactly what happened meant that Japan had not disavowed the misdeeds of the War, thereby raising the spectre of a re-occurrence in the future, so must we ensure that all the false accounts of historical events in this country are corrected for the sake of posterity.

History that glorifies what ought not to be glorified only ensures that it will be repeated with even more devastating effect.

The task of 'Ghanaianising' the youth in all our ethnic groups must be pursued with vigour, as in them, we have a real chance of success in altering the reference point of their identity, to Ghana rather than to the ethnic reference point. The youth must be re-socialised to desist from stereotyping on ethnic grounds, as such behaviour denies people their individuality and promotes notions of guilt by association. No ethnic group is made up of only good people or of only bad people and as there are good people everywhere and bad people everywhere, our youth must be taught these things in the education curriculum. We must free their future from the bitterness of the past.

On the level of state policy, an institution charged with the responsibility of superintending inter-ethnic relations and ensuring compliance with constitutional prescriptions of inclusiveness contained in the Directive Principles of State Policy⁵⁶, must be established. Its remit as an Equal Opportunities Commission, would be to ensure that all government policies would foster inclusiveness. It must also be empowered to receive complaints of discrimination of whatever kind, against state agencies, public bodies and anyone exercising power or authority in a matter that is public in nature. It is true that article 34(2) imposes an obligation on the President to report to Parliament the steps he has taken to achieve the objectives (some of which pertain to national integration) there under, but that is not a level at which the average person can relate. In any case, such a report would feature only what the President had done, but not what he or she could have done

⁵⁶ Chapter Six, The Constitution of Ghana, 1992.

but had not done, even though the omission could affect the lives of ordinary citizens in a real way. The creation of such a body should ensure that everyone exercising power and authority in the name of the Republic would be mindful of the responsibility of ensuring fairness to all citizens. Once this is done, there would be no opportunity for the development of perceptions poisonous to national cohesion, that particular governments favour particular ethnic groups and operate to the disadvantage of others. Anyone with concrete evidence of such ethnic engineering should be able to file a complaint at the Commission, and in this way, the problems that fuel a sense of alienation could be decisively tackled. Currently, the fear of being labelled a “tribalist” prevents well-meaning citizens from taking issue with conduct that is inimical to national integration.

Invariably, those who indulge in ethnocentrism are quick to label anyone who complains about their conduct as a “tribalist”, thereby driving underground genuine grievances that require redress. The state of Ghana must provide an institutional avenue for redressing any such grievances, and thereby convey its unwillingness to tolerate ethnocentrism in the conduct of public life. Countries with racial problems have tackled them in this manner and so avoided inter-racial conflict, and we can, and must do the same.

Conclusion

In conclusion, it must be restated that national integration is a development imperative that must be achieved by a conscious policy of national reconciliation. Whatever process may be adopted, must begin with a righting of historical wrongs and then future policies that ensure that there would be no repetition of the events that brought pain to segments of the citizenry. Those who consider such activities a waste of money that could be better applied to the supply of basic needs should be reminded that "Man shall not live by bread alone" therefore it is not the provision of basic needs alone that make for happy citizens. State power must be used for lawful purposes; must not be wielded to achieve personal ends; and authority must be exercised with a sense of justice and responsibility. The groups that come within the territorial boundaries of Ghana are bound together for better or for worse and this fact must be appreciated by all.

Every citizen and every ethnic group has an equal right to the resources, goods and services that the nation produces, and this must be assured to all, in order to create and maintain an atmosphere of peaceful and peaceable co-existence. We must all identify with Martin Luther King's dream of a nation in which people would be judged not by their ethnic origin, but by the content of their own character; where people would attain heights on merit and not by reason of their ethnic origin: where people would suffer a disability not on account of guilt by association, but on account of their own wrongdoing. These should be the foundations on which the nation Ghana is built.

RECONCILING THE NATION: “THE WAY FORWARD”

By Most Rev. Charles G. Palmer-Buckle

Introduction

I thank the organisers of this seminar for the invitation to deliver this paper on the sub-theme: “Reconciliation and National Integration: The Way Forward”. Before I go on with this paper, permit me to say that, since I was privileged to be a member of the National Reconciliation Commission (NRC), I am very happy to hear that our government has accepted the NRC report and has issued the relevant white paper promising to implement the reforms and recommendations proposed therein.

I will therefore be carving out parts, especially of the recommendations that we proposed, which in my opinion contain the way forward in the grave task of reconciling our nation and I may be amplifying them just here and there for the purposes of this seminar.

The National Reconciliation Commission’s work

Let me start first by saying that I believe the way forward in the task of reconciling this nation may be divided into three activities, one of which has already been completed, the second which is now underway and the third, yet to be started. These three activities are:

- a. The National Reconciliation Commission’s work itself;
- b. The making public of the NRC report; and
- c. The implementation of the recommendations and reforms proposed in the report.

The NRC itself was set up with a specific objective, namely “*to seek and promote national reconciliation*” (see Act 611 Section 3.1). The mandate made it clear that the NRC was “*to help reconcile the people of this nation by finding out the truth about past human rights violations and abuses.*” It further stated that the NRC was to help “*victims of those violations and abuses to deal with their pain, and to move on with their lives*” on the one

hand, and on the other, to help the perpetrators of such violations and abuses come to terms with their past, and seek forgiveness. (See NRC Report Volume One; Executive Summary 1.6.2).

This mandate, I think, the NRC tried to fulfil and fulfilled within the time limit clearly set out by its mandate and the constraints, real or otherwise on the ground.

The very fulfilment of the mandate and objectives of Act 611, I think, has helped many a Ghanaian and even a foreigner onto the path of reconciliation and brought healing to several individuals as well as many social groups that for decades were hurting in this country. Several victims and some perpetrators found the time of the work of the NRC a *kairos*, a moment of grace that brought some relief and peace to their heavily-burdened souls and hearts. Such testimonies were abundant during the hearings of the NRC and were widely witnessed by Ghanaians, thanks to transmissions from the different regional capitals of the country and the reports carried in the media, both in the print and electronic, the private and state.

This activity of the NRC is an indispensable component, in fact, a requirement in psychotherapy for the healing and reconciliation process. On one hand, the hearings and all that went into it gave the chance to people to air out their grievances and be given a national listening ear; on the other, the nation was given the opportunity to learn of such grievances and hurts, and to come to terms with our individual as well as corporate, if not national, role or responsibility in the perpetration of the violations and abuses in question. Finally, this work of the NRC created the chance for us as a nation to look at ourselves very critically, admit our failings in the past, and to search for how to make amends in one way or the other, and also how to make sure that such violations and abuses are avoided or prevented in the future. This is all part and parcel of the healing process and the reconciling of the nation.

The Report of the NRC

The second activity of the NRC was that, within a certain time frame after its sittings and hearings, the Commission was to issue a report to the president of the Republic of Ghana on its findings, and *inter alia* to recommend reforms and measures to prevent and avoid the repetition of such violations and abuses, and to promote healing and achieve national reconciliation. (See Act 611 Section 20).

This part of the mandate may be understood in a further three inter-related sub-activities expected of the Commission, by the Act, thus;

- a. Establish accurate, complete and historical record of violations and abuses of human rights inflicted on persons by public institutions and holders of public office or persons who claimed to have acted on behalf of the state during periods of unconstitutional and also constitutional government;
- b. Recommend appropriate redress for persons who had suffered any injury, hurt, damage, grievance or who had in any other manner been adversely affected by violations and abuses of their human rights; and
- c. Recommend measures, including institutional reforms, to prevent the re-occurrence of such violations and abuses in future. (See Executive Summary 2.2.1).

The Commission fulfilled this mandate through another set of three consecutive activities such as statement-taking, investigations and hearings which were compiled into the five/six volumes of the report of the NRC, that were handed over to the president of the Republic of Ghana on Tuesday, October 12, 2004.

Now that the report is public, it is my hope that it will be given the very serious attention it deserves by all, so that the process of national integration and reconciliation as recommended therein will be implemented and made to become an indispensable component of civic formation and growth for nation-building in this country.

I am aware that the entire report has been put out on the internet by one of the media houses in Ghana, and I commend this very highly, because it is a good modern method aimed at making the substance of the work of the NRC and the content of the report available to as wide a public as possible for its information, appreciation and consumption, so to speak.

I am further aware that the government has authorised that copies of the report be made available to various academic institutions in the country and to establishments that are expected to help in the wider public dissemination of the content of the report. This, I hope, will help in the critical analysis and appraisal of the content of the report and surely aid the healing and reconciliation process.

The Way Forward: My Proposal

Permit me now to zero in on my own proposals elaborated from the recommendations and reforms which I consider the way forward in the grave task ahead of reconciling the nation.

As a man of religion, I cannot but couch this part of my paper in the language typical of religion; I divide the way forward, again, into the three magico-religious processes of

- a. Celebration;
- b. Ritualisation; and
- c. Tradition of reconciliation and national integration.

These three processes are very well-known to every Ghanaian and are found in all our traditional annual festivals. They are also known to all religions and religious traditions. From this religious and cultural heritage of our people, I believe that the way forward towards real national integration and reconciliation lies, first and foremost, in celebrating what has so far been achieved, thanks to the National Reconciliation Commission exercise. Next, the celebration of reconciliation must be ritualised, in that it must be codified into a religious rite or a series of rites and rituals to be kept as a social heritage and traditional cultural memorial. Then finally, society should find ways and means to hand down, to teach reconciliation and peace-building as indispensable components of nation-building and social cohesion.

Celebrating Reconciliation

For this part, I return to the Executive Summary of the NRC Report Chapters 7 and 8 which deal with Reparations and Rehabilitation Fund and Recommendations for Reconciliation and Institutional Reform. In these chapters are found the reasons, content and proposals for celebrating national reconciliation.

The report recommends that a National Reconciliation Day, a one-off commemorative day, not an annual affair, be celebrated on national and regional levels. The reasons for such a celebration are that:

“Many Ghanaians have suffered great wrongs at the hands of fellow citizens as well as the state itself through its office-holders...a lot of harm has been done to many Ghanaians...Many have suffered and many homes have been destroyed. Some Ghanaians have been killed with impunity, some have disappeared and families, to date, do not know whether they are dead or alive. Some Ghanaians have suffered severe tortures, both physical and psychological, from which they have died, or have emerged with serious physical disabilities or mental illness. Some Ghanaians have suffered detention without trial, some for many years, for no just cause. Women, the mothers of the nation, have been humiliated in public and suffered acts of indignity that disgraced womanhood, and many prosperous businesses have collapsed, leaving their owners with debts from which they have been unable to recover...” (8.1.2).

The report goes on to state, *“We must not be tied down to our past mistakes or misfortunes...Every Ghanaian must make a personal pledge that ‘NEVER AGAIN’ shall such wrongs be a feature of governance or a feature of life in this beautiful land of our birth” (8.1.3).* And then it concludes that we must seek *“to lay the ghosts of the past to rest” (8.1.4).*

Very mindful, however, of the difficulties ahead, *“but assured that Ghanaians appreciate the need to make reparation for what has been suffered”*, the Commission calls for this one-off celebration of a National Reconciliation Day.

The content of such a celebration have also been proposed, some of which are:

- a. that the president make a formal apology, both in writing and by radio and TV to all victims, and especially to the Ghanaian woman, for violations and abuses suffered and perpetrated by holders of public office from March 6, 1957 to January 6, 1993;
- b. that similar acts of apology be offered by institutions that have also contributed to this state of pain and hurt in the history of this country;
- c. that a national monument in Accra, in honour of those killed, those who disappeared or lost their lives, as well as of the unknown victims of human rights abuses in the periods in question be erected;
- d. that similar monuments be erected in the regional capitals also in honour of traders and other civilians who suffered atrocities;
- e. that NRC memorabilia such as stamps, coins and badges be commissioned and sold to raise money for the Reconciliation Rehabilitation Fund;
- f. and that on the one-off day celebration, announcements be made concerning the Rehabilitation Fund and the reparation packages such as scholarships, health benefits, etc., instituted for victims, their families and dependants, as well as for groups of people and even entire village communities that also suffered violations of all kinds.

I believe that such a celebration is a must, and must be properly organised and celebrated with the help of all stakeholders in the society.

Ritualisation of Reconciliation

Again the NRC recommends that an Annual Remembrance or Thanksgiving Day be instituted, which leads me to my second suggestion in the way forward; the ceremony of national integration and reconciliation must be ritualised.

This could very well be assigned to the various religious bodies in concert, for instance, the Forum for Religious Bodies (FORB) or the Ghana Conference on Religions for Peace (GCRP) and our traditional priests and leaders.

This ritualisation of the event of national reconciliation is important in that it is one of the socio-cultural vehicles for engraving certain historical events in the communal psyche of a people. Most of our history has come down to us through traditional cultural festivals, thanks to this mode of preservation in religious forms and language, and to their handing down in rites and rituals.

Within the context of rites and rituals, one should include communal as well as individual acts of atonement, purification, pacification, and also of reparation and communion.

Going back to the NRC Report, it is stated that *“certain events have traumatised the spirit of the nation and have produced shocks within the system whose impact transcend the time and place of their occurrence, as well as the generations of Ghanaians affected by them”*. The Commission enumerated some of these events and was able to observe from its own experience acquired from the hearings that the effects of some of these events *“will take a long time to wear off”* (8.1.6).

This is where religion and religious ritual matter very much, because only therein can “the spirit of the nation” and of the individuals who have been so traumatised be healed through rites and ritual acts of atonement, purification, pacification, reparation and re-establishment of communion. Religion has the gift of being able to deal with hurts of the past and to pacify even “the spirits of the dead”. This is where reconciliation can be enabled

to also “*transcend the time and place of occurrence*” and bring very lasting peace to a people.

As stated elsewhere in the Executive Summary, “*reparations can never fully repair the damage caused to victims nor restore them to the status quo ante.*” (7.3.1.6). It is however my firm conviction that our cultures have managed to deal with traumas of various kinds and magnitude in the past thanks to the ritualisation of even very cataclysmic events of history. It is from this experience that I am suggesting the ritualisation of our national reconciliation experience.

Another very important category of actors in this context apart from religious personalities should be our chiefs and traditional leaders who in times past have managed our various historical experiences and codified them into religious and cultural celebrations in which the core values of our people have been ritually enshrined and handed down to posterity. They are there to help in this case too and should be asked to contribute from their wealth of cultural wisdom and historical memory of their peoples.

Tradition of Reconciliation

In the social context, another mode of dealing with traumas of certain proportions is to have them put in drama form. This leads me into my last proposal of the way forward; namely the tradition or handing down of the goods, the virtues and values of reconciliation and national integration as learnt from the work of the NRC.

There is the need to build up a tradition of reconciliation. This task of handing down from generation to generation the spirit and need for reconciliation is very crucial if this national reconciliation exercise is to have any long lasting effect in the life and history of this nation.

This task of creating a tradition of reconciliation and of handing it down to posterity is for all Ghanaians to do, as the report rightly stated:

“All Ghanaians are obliged to seek and promote the good of Ghana, whatever our particular circumstances. We must recognise and accept that nation-building requires effort, sacrifice, self-sacrifice, time and patience. For the sake of our nation’s future, we must endeavour to make our individual contributions to the nation-building effort so that we shall leave ‘footprints in the sands of time.’” (8.1.1).

In this regard, the Commission made certain proposals under the recommendations for various institutional reforms, which should form part of the way forward in creating a tradition of reconciliation and of how to hand it down as an integral part of civic education for nation-building. I am referring to Chapter 8, sections 8.3 to 8.7 of the Executive Summary.

Chapter 8 section 8.7.5 recommends that *“the findings of the Commission...be used as teaching materials and scripts for drama, film-making, etc., (so as) to educate the nation to avoid similar human rights abuses in the future.”*

Indeed, drama, “cantata” and film-making are some of the most popular vehicles of mass and social communication in Ghana today. They should be employed to vehicle the virtues of reconciliation and the values of national integration in nation-building. Drama and the allied arts have a way of inculcating in viewers the message in various modes, such as comedy, melodrama, sitcoms and what have you. Ghanaians need to be confronted with the event of our past and our roles in the abuses and violations our fellow citizens were made to endure by our activity or inactivity. We have excellent comedians and actors as well as writers whose prowess could be very useful in this national exercise. Certainly, as the report states, *“all Ghanaians are obliged to seek and promote the good of Ghana, whatever our particular circumstances.”*

Besides drama and film-making, the NRC suggests *“a sustained programme of public education by (the) Commission on Human Rights and Administrative Justice (CHRAJ) and (the) National Commission for Civic Education (NCCE).”* (8.7.6).

In the cultural mode, another vehicle that we seem to have lost is the use of *Ananse* stories and story-telling for the education of the young in particular in the traditional homes. This could and should be revived in the effort to create a traditional culture of reconciliation among our people. Somewhere in the Caribbean, I am aware, *Ananse-story-telling* is being revived among the Africans in the Diaspora. Competitions could be organised in this mode too.

What is quite positive about story-telling is that it has a way of bringing out the morale, the lesson that should be learnt for life, without embarrassing its audience.

Finally, among those who should educate and be educated, the Commission recommends literally that nobody and no social sector should be left out. They are to include all the security services, the legal profession and the judiciary, the media (both print and electronic), the labour and student movements, professional bodies (other than legal) and civil society groups, the religious bodies and the chieftaincy institution.

Conclusion

I cannot end this paper without acknowledging the fact that what called for the National Reconciliation Commission and its work is of quite recent past. What really happened in the last four decades has neither been told nor unravelled. The real causes for those violations and abuses of human rights in our history may never be totally fathomed. Some of the key actors have either died or are nowhere to be found. Others who could have given the Commission the benefit of their knowledge and personal experiences, for reasons best known to themselves and to God, did not or were not enabled to do so. Besides, one has to admit that statistically, it would have been impossible to deal with all the violations and abuses suffered by Ghanaians and even foreigners from March 6, 1957 to January 6, 1993, as the Act 611 mandated.

Nevertheless, thanks to the many who deemed it fit to come before the NRC, the nation has been given a moment of grace to confront its past and seek to find the healing balm to its wounds. Healing mental and psychic wounds take more time than physical ones. They are known to take generations, just as the experience of post-World War II Europe clearly shows even today.

I am happy to have been given the chance on the NRC to, maybe, “re-open” some of the wounds of our past that had been festering in order to help clean up the puss and see how to bring about a lasting healing. It is in the search for this lasting healing and reconciliation for national integration, the way forward, that I discoursed the three core activities above, namely;

- a. The National Reconciliation Commission’s work itself;
- b. The making public of the NRC Report; and
- c. The implementation of the recommendations and reforms proposed in the NRC report.

Of these activities, the first has been completed, as I have said above; the second is in the process of being fulfilled. The third constitutes the real material for this paper. Towards fulfilling the third, I proposed another three

consecutive or even concurrent activities, namely the three magico-religious processes of

- a. Celebration;
- b. Ritualisation; and
- c. Tradition of reconciliation and national integration.

I once again thank the organisers for the invitation. I hope I have contributed something to the Way Forward in the process of reconciliation and national integration for the good of our dear country Ghana.