

**HUMAN RIGHTS ACTIVISM IN GHANA:
REALITY, APPARITIONS AND DREAMS.**

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DEDICATION

This paper is dedicated to:

1. **The Legal Resources Centre** – Ghana, for its resilience.
2. **Commissioner E. F. Short**, Commission on Human Rights and Administrative Justice, Ghana (CHRAJ) for:
 - a) Working to establish a human rights culture in Ghana;
 - b) believing in the LRC- Ghana; and
 - c) invaluable assistance during the research for my first human rights paper^{*}

^{*} See Atuguba, Raymond Akongburo. *Retention Versus Abolition: A Look at the Death Penalty in Ghana* (LLB Dissertation, Faculty of Law, University of Ghana, June 1997).

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LIST OF ABBREVIATIONS

AFLA	Africa Legal Aid
AHRH	African Human Rights Heritage
AI	Amnesty International
ADRA	Adventist Development and Relief Agency
ASICL	African Society of International and Comparative Law
CAPSDH	African Commission on Health and Human Rights Promoters
CBC	Catholic Bishops' Conference
CCG	Christian Council Ghana
CCRL	Chiefs Community and Religious Leaders
CHRAJ	Commission on Human Rights and Administrative Justice
CHRC	Community Human Rights Committee
CNC	Centre for National Culture
CRS	Catholic Relief Services
DANIDA	Danish International Development Agency
DCEs	District Chief Executives
DDOs	Diocesan Development Offices
DFID	Department for International Development
DHRE	Decade of Human Rights Education
FEF	Fredriech Ebert Foundation
FGM	Female Genital Mutilation
FIDA	International Federation of Women Lawyers

FNF	Freidriech Nauman Foundation
GAPVOD	Ghana Association of Progressive Voluntary Associations
GBA	Ghana Bar Association
GCHPR	Ghana Committee on Human and Peoples Rights
GJA	Ghana Journalist Association
GNA	Ghana News Agency
GONGOS	Government Organized Non Governmental Organizations
HLS	Harvard Law School
HR	Human Rights
HRAs	Human Rights Actors
HRAGs	Human Rights Action Groups
HRM	Human Rights Movement
HRSC	Human Rights Study Centre, Faculty of Law, University of Ghana
KAF	Konrad Adenauer Foundation
LAB	Legal Aid Board
LRC	Legal Resources Centre-Ghana.
LRC-HRAGs	Legal Resources Centre-Human Rights Action Groups
MOE	Ministry of Education
MFCS	Moslem Family Counseling Services
NCCE	National Commission on Civic Education
NDI	National Democratic Institute
NDRC	National Disaster Relief Committee
NFED	Non Formal Education Division of the MOE

NGOs	Non Governmental Organizations
NMP	National Mobilisation Programme
NPC	National Population Council
NUGS	National Union of Ghana Students
ODA	Overseas Development Agency
PPNT	Permanent Peace Negotiating Team
SRCs	Student Representative Councils
TUC	Trades Union Congress
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
USDHRF	United States Democracy and Human Rights Fund

FORE-WORD

This Paper is a precursor to a more detailed work that I intend to execute in the near future. Unlike traditional introductory pieces, this Paper does not merely skirt the relevant areas to be dealt with by the longer work, thus preparing the way for the savior to come. On the contrary, the paper is situated at the heart of the debate on the capacity, role and promise of NGOs as agents of development in Africa. Thus, it has the dual advantage of being concrete, practical, and complete in itself, whilst illustrating the actual operation (and resulting problems and issues) of NGOs in Africa, which the later work will build on.

The Paper is best conceptualized as situated on the zero point of a numberline. This allows the later work to move backwards into the negative numbering and question, for example, the very existence of NGOs and their capacity as agents of development in Africa, and to move forward into the positive enumeration of the numberline, to examine, for example, the critical role of NGOs as agents of development in an Africa where the state and the market seem to have failed. In this paper, I merely acknowledge these other issues without any in-depth discussion. Hence, this paper deals with the broader controversies concerning the institution of NGOs and their work, only to the extent that is necessary to illustrate the need to review NGO strategies for optimum results. The problematization of the very institution of NGOs must await the later work.

I hope that this work assists Human Rights Actors (HRAs) in Ghana to get a fuller sense of the larger picture of which their day to day activities are a part; helps them

consciously situate themselves in the broader web of human rights activism and attendant relationships; and facilitates inter-actor dialogue and cooperation in identical and complementary lines of endeavor.

I also hope that this work will contribute to the understanding of international NGOs and donor agencies of the nature of human rights activism in Ghana, giving them an indication of how best to contribute to the realization of the dream of human rights in Ghana.

INTRODUCTION

This Paper is about human rights activism in Ghana. It is about why and how the human rights movement in Ghana should re-define and improve its operational strategies. There is an underlying philoso-theoretical discourse, which assumes the necessity and indispensability of a culture of human rights in Ghana at this point in her history. Beyond this, the Paper is a distinctly practical and down to earth guide for human right practitioners in Ghana.

First, I describe the reality of human rights activism in Ghana today with a touch of historicism, and advocate a change in human rights strategy in tandem with the changing human rights needs of that country. Next, I establish the interrelationship of different aspects of human rights work, and note the indispensability of a high level of cooperation amongst human rights actors, if the dream of establishing a culture of human rights in Ghana is to come true. Lastly, I proffer the argument that the empowerment of the ordinary folk in Ghana is a necessary part of the development of a culture of human rights. I further argue that the interpenetration and interaction of the various aspects of human rights work is a most effective way of achieving such empowerment. This is because, such intense cooperation produces long-term and durable solutions to human rights problems, which inturn generates self-sufficiency and empowerment. I also contend that, the building of a human rights culture, by instilling in communities and individuals a rights-claiming attitude, makes HRAs increasingly dispensable and is arguably the highest form of human rights activism.

Flowing from the above, I criticize the activities of human rights actors in Ghana to the extent that they concentrate on one or other of the various aspects of human rights work, in the absence of effective collaboration with institutions dealing with the other aspects. I again criticize them for the short-term, issue-centric and media-centered activism they engage in, a process that is calculated to make them indispensable.

In sum, I postulate that, what is absent from human rights activism in Ghana, is the design and implementation of a human rights strategy, that takes account of the current human rights problems in Ghana. I further contend that such a strategy must have a good dose of interaction between HRAs that makes for effective and efficient long-term human rights activism, leading to the empowerment of the ordinary folks in the various communities. I conclude, controversially, that such empowerment instills in communities and individuals a rights-claiming culture that makes HRAs increasingly dispensable.

Admittedly, these proposals raise a number of concerns. The most obvious is the danger of a few powerful institutions dictating the actions of smaller and less powerful ones for their own selfish ends, thus compromising the independence of action of less powerful institutions. Seen more broadly, this concern flows from basic choices in organizational strategies; for the nature and level of cooperation between actors in any field could be anything from centralized control of all actors by a one or more powerful actor(s), through coordination or cooperation in individual enterprise, to pluralist diffused actions by independent roving actors. Indeed some of these alternatives might be counter-productive. To prevent any such problems from having lethal consequences, an acceptable level of cooperation should be determined at the very outset, consciously nurtured, and periodically and consistently reviewed. Indeed, this Paper characterizes these problems as speed ramps

and not road blocks, and gives a feel of the light at the end of the tunnel in the activities of the Commission on Human Rights and Administrative Justice (CHRAJ) and the Legal Resources Center-Ghana (LRC), which are currently trying out some of the operational strategies outlined in this Paper.

Another concern is the argument that the greatest limitation of HRAs is external control, and that given this fact, no amount of internal reorganization can bring any salvation. I recognize, but do not pretend to exhaustively deal with the postulate that NGOs are but a part of an extremely flawed neo-liberal design for salvaging African countries from the doldrums of underdevelopment. A part of the first few pages of this paper comments on this assertion.¹

Another obvious problem concerns the issue of empowerment. Empowerment basically means changing power equations and this inevitably excites unfavorable responses from constituencies that benefit the most from the status quo. To suggest, as I do here, that part of the role of HRAs is to empower the constituencies they work for, is to elicit unfavorable responses and counter measures from the powers that be. To attenuate this perennial problem, I attempt to contextualize the strategy of empowerment within the realities of the power politics and hierarchies in Ghana, and the availability of resources. The chief argument in this paper is that, a certain type of human rights activism is the best tool for empowerment and that human rights actors in Ghana have the capacity to do this by a cooperative and coordinated strategy which has as the key object, putting power into the hands of the people.

¹ For a brief discussion of this issue and for references for further reading, see Chapter one.

To this end, I identify two models of human rights activism: 1. Autonomous, singular, competitive action, with a rhetoric of cooperation at best and; 2. Autonomous but cooperative action. Again, I identify two strategies of human rights activism: 1. Uncontroversial, docile, short-term service-provision activism; and 2. Proactive, advocacy dominated long-term service-provision activism. This Paper advocates for the second model and the second strategy of human rights activism as means to the empowerment of marginalized constituencies.

Structurally, the first part of the paper discusses the types of human rights actors and the types of human rights problems Ghana has experienced over the years. This part of the paper notes the response of human rights actors to these problems, hints at a change in the human rights needs of Ghanaians, and the resultant necessity for a change in strategy. The final chapters discuss some on-going experiences in the implementation of a new approach to human rights activism that is informed by these changes. This portion of the paper would draw heavily on attempts by the CHRAJ and the LRC, to implement a new approach to the resolution of human rights problems advocated in this paper; a strategy that includes cooperation between human rights actors and the empowerment of marginalised constituencies. It is the synthesis of the successes, failures and lessons from these enterprises that will inform the redefinition of strategy for the human rights movement in Ghana. All these will be interlaced with the practical experiences of the author, gathered whilst working as a human rights activist in Ghana.

The human rights provisions in Ghana's Constitution involve enormous responsibilities. Ghanaians have undertaken to respect and enforce the rights enshrined in the Constitution, and to adjust their laws and practices to conform with human rights norms

and standards, thus implementing and enforcing civil, political, economic, social and cultural rights of **all** women, men, youth and children as equal citizens of the state. A good deal of these human rights resources already exist in Ghana, but a great many Ghanaians have not been able to access them for a number of reasons. The Human Rights Movement (HRM) in Ghana, which is working to effectuate the above ideals, has unfortunately stuck to old ineffective human rights strategies in the face of a change in the nature of human rights problems in Ghana. As a result, many Ghanaians are unable to access their rights.

The amount of reliance that a cross-section of enlightened Ghanaians place on the human rights provisions of the Constitution cannot be adequately imagined, it must be experienced. The said provisions are wielded, brandished, quoted and misquoted in public and private discourses in support of their rights. Yet, an absence of effective human rights strategy has prevented these invaluable resources from being accessed by all and sundry. It is time for the Human Rights Movement (HRM) in Ghana to effectively change its strategy in order to ensure human rights and empowerment for **all**, a process that ultimately makes HRAs themselves very dispensable. This Paper advocates this fundamental but uneasy truth.

CHAPTER ONE

HUMAN RIGHTS AND HUMAN RIGHTERS

1. Introduction

This paper is about the actual functioning of human rights institutions in Ghana. It is about how their current actual operation can be made more efficient, optimal and sophisticated. I am compelled to make a note of a favorite assertion by several writers in this area that NGOs and neo-liberalism are bedfellows, and that the product of their interaction are inimical to the ideals of human rights and democracy which they both espouse.² I have said a few words about this in the introduction to this paper and will make only a few remarks at this point. Whilst genuinely empathizing with the concerns of these great writers, I prefer to concentrate on what NGOs are in fact doing in Ghana. There is something to be said for working to improve what is there now, whilst hoping for more radical reforms. For is this not what the dream of human rights is all about? It is my further conviction that what these writers are advocating and the thesis of this paper are not that far apart. Indeed, the propensity or proclivity of NGOs in Africa to be used as vehicles of neo-imperialism is due to the various limitations of NGOs, which we all agree need to be changed. Our common thesis is that NGOs should not be “relegated to service-provision and gap-filling activities” but must be characterized more by “increased political efficacy”

² See Dicklitch, Susan. *The Elusive Promise of NGOs in Africa Lessons from Uganda*. New York: St. Martins Press, Inc, 1998. p 14-15; Bienefeld, M. “Structural Adjustment and the prospects for Democracy in Southern Africa” in D. B Moore and G. J Schmitz (eds), *Debating Development Discourse*, New York: St. Martin’s Press. p. 91; Fowler, A. “The role of NGOs in Changing State-Society Relations: Perspectives from Eastern and Southern Africa” in *Development Policy Review*, No. 9 pp. 53-84.

and “advocacy and empowerment roles”³. This process of internal reorganization of NGO activity, which this paper advocates, is capable of laying bear the actual causes of the problems these critics talk about, and point to the best mean of solving them.

This chapter therefore gives a description of the types of HRAs in Ghana, their key activities, and their mode of operation. An assessment of their operational efficacy must await the discussion, in the next chapter, of the nature of Human Rights problems in Ghana, and is discussed here only to the extent that it clarifies the strategy HRAs employ.

Before we take a look at what HRA in Ghana do in fact, I shall give a brief historical background of Human rights activism in Ghana and the role HRAs have played in this regard over the years.

2. Short History Of Human Rights Activism In Ghana

Human rights activism in Ghana has basically taken three forms.⁴ The first form is in the nature of organizing to protest against the infringement of first generation rights in the context of political repression.⁵ This form of activism took inspiration from the

³ Dicklitch. Supra, note 2, p.3.

⁴ . Since I deal with post independence human rights activism, I exclude 1. The complex of second generation rights activism that took place during colonialism mainly by branches and affiliates of various religious groups in Europe. 2. The various forms of first generation rights activism that took place in the context of the struggle for independence

For a brief discussion of these forms of human rights activism, and a note on human rights activism in Ghana dating back to the slave trade, see Katsriku, Bridget and Oquaye, Mike (Eds). *Government and NGO Relations in Ghana*. Accra: Gold-Type Ltd, 1996. p 51

⁵ . A growing body of Human Rights Jurisprudence and human rights actors draw attention to the undesirability and dangers of dividing rights into first, second and third generation rights. The argument is that the corpus of rights that are necessary for the full development of the individual are

struggles for independence from colonial rule. Indeed, the actors and strategies used in this form of activism are distinctly similar to those of the anti-colonial movement of Ghana. This type of activism has always taken the form of a confrontation between the citizenry, (led by particular groups and individuals), and the government. It continued from the years of the independent struggles, (1950s), through the constitutional dictatorship of the First Republic (1960s), to the military dictatorships of the 1970s and 1980s. Organizations such as the Christian Council of Ghana (CCG), the Catholic Bishops Conference (CBC), the Trades Union Congress (TUC), the Ghana Bar Association (GBA), the National Union of Ghana Students (NUGS) and the Student Representative Councils (SRCs) of the various tertiary institutions have been the historical players in this type of human rights activism. I call this classical human rights activism.

The second form of human rights activism in Ghana has been in the area of second generation rights. A good number of HRAs have preferred to concentrate on improving the education, health, housing, access to drinking water etc of various communities. These actors hardly have any confrontation with government and are actually encouraged by government in their activities.⁶ These HRAs may be international NGOs, agencies of

or should be indivisible. See 1. The Vienna Declaration and Programme of Action, especially Part 1, para. 5), adopted by the World Council on Human Rights, Vienna, 25 June 1993 (A/CONF. 157/24 (Part 1), chap. III).2.Frankovits , André . “Indivisibility, interdependence and universality of human rights, including the right to development” Inter-sessional Workshop on Economic, Social and Cultural Rights and the Right to Development in the Asia-Pacific Region Sana’a, Yemen, 5 to 7 February 2000. 3. See also-
 wysiwyg://27/http://www.ghanaweb.com/GhanaHomePage/NewsArchives/artikel.php3?ID=9661
 for a discussion of the same issue by Prof. Akua Kuenyehia, a Ghanaian human rights activist and the Dean of the Faculty of Law, University of Ghana. This categorization however helps me capture the nature of human rights activism in Ghana, and I propose to stick to it with heartfelt apologies.

⁶ Supra, note 4, pp ix-xi.

foreign governments or local groups. Examples of this set of HRAs are the Catholic Relief Services (CRS) and its affiliates, the Danish International Development Agency (DANIDA), The Department for International Development (DFID) of the United Kingdom, formerly called the Overseas Development Agency (OSA), and the United States Agency for International Development (USAID). There are also several Voluntary Organizations organized on ethnic and other lines that concentrate on improving the second-generation rights of specific constituencies.⁷

The third and most recent form of human rights activism involves a certain type of research and advocacy. There have been two main variants of this neo-classical form of human rights activism. The first involves organizing to stem the perpetuation of “outmoded” practices such as gender discrimination, Female Genital Mutilation (FGM), certain forms of customary servitude, high bride prices etc.⁸ The other variant involves advocating for accountability and good governance on the part of government agencies and

⁷ . These are normally ethnic unions, oldboys/alumni groups, youth groups etc. These groups mobilize funds and pressure relevant authorities to provide social services to their constituencies, home towns, alma maters etc. These groups are increasingly being referred to as Private Voluntary Organisations (PVOs). See supra, note 4, p 25.

⁸ Ghana News Agency, Ghana News. “Women’s Rights Still Marginalized” Accra, 13 March 2000; “Women’s Council Official Warns Against Female Genital Mutilation” 10 June 1997; “NCWD condemns Violence Against Women in Northern Region.” 20 August 1997; CHRAJ Wants Labour Court to be Established.” 17 Nov. 1998; “400 Trokosis Still Held in Bondage” 30 Nov. 1998; “600 Trokosis Liberated in the Volta Region” 06 Sept. 1999; “Four Hundred Trokosis Liberated in Akatsi and Ketu Districts” 15 Nov. 1999; “Third Batch of Trokosis Pass Out” 18 Dec. 1999; Trokosi Women, Children Appeal for Help” 28 February 2000; “Call for Stringent Laws to Protect Women” 14 Jan. 1999; “Seminar on Violence Against Women Opens” 19 Feb. 1999. **[For quick reference to Ghana News Articles, see www.ghanaweb.com.]**

officials.⁹ It is also possible to note in this neo-classical form of human rights activism, an increasing trend of holding the private sector to a modicum of respect for human rights.¹⁰ Indeed, with economic reforms, the retrenchment of the state from various sectors, and its replacement by the private sectors, the social interactions of the latter have greatly increased. To ignore the private sector in any human rights agenda will therefore be a wrong move. Particularly interesting are the various suggestions currently going on to the effect that the private sector should help fund public institutions previously funded by the state.¹¹ It is clear that beyond holding private sector big shots responsible for child maintenance and sexual harassment, the HRM in Ghana intends to impose second generation rights responsibilities on the private sector in Ghana.

⁹ . Ghana News Agency, Ghana News. “Lectures on Good Governance in Democracy” 22 June 1999; “CHRAJ on Exposing Abuses of Public Office” 13 Oct. 1998; “CHRAJ Needs Legislative Power to Fight Corruption” 26 Feb. 1999; “CHRAJ Wants Labour Court to be Established.” 17 Nov. 1998

It is no coincidence that this neo-classical human rights activism comes at a time that western governments and institutions such as the WB and the IMF are postulating that accountability and good governance are the panacea for Africa’s developmental problems. This brings us to the previous note on the assertion that NGOs are but a part of the neo-liberal model of development and also relates to the point on the payor of the piper calling for the tune, see *infra*, p ...ff.

¹⁰ In 1996, out of the total of 5,200 respondents in cases brought to the CHRAJ, 3,132 were private sector institutions, organizations and private individuals. CHRAJ-Ghana. Third Annual Report, 1996. In 1999, AFLA took up a paternity and maintenance case and the CHRAJ a sexual harassment case, against respondents who are in the category of “untouchable big men” in the private sector. See US Department of State. *1999 Country Report on Human Rights Practices*, Released by the Bureau of Democracy, Human Rights and Labor, February 25, 2000. P 17. Available at www.state.gov/www/global/huaman_rights/1999_hrp_report

¹¹ .Ghana News Agency. “Conference on Private Partnership with Universities Opens” 10 June 1999; “University Education Must be relevant” 11 June 1999.

Finally, in talking about the history of human rights activism in Ghana, it must be made clear, that the growth of human rights organizations is not a recent phenomenon.¹² The successive repressive regimes that Ghana has experienced¹³ generated an outgrowth of human rights activists who bonded together under new umbrellas or used existing institutional frameworks to oppose the human rights abuses of these regimes. Thus, organizations such as CCG, the CBC, the TUC, the GBA, the NUGS and the SRC of the various tertiary institutions have historically opposed political repression.¹⁴

If we discount the non-confrontational activities of HRAs concerned with second generation rights, and the various research and advocacy efforts of the neo-classical human rights activists, the history of human rights activism in Ghana is the story of various interest groups mobilizing to oppose repressive regimes, first for their own interests or the interests of their members, and then for the interest of other institutions and individuals similarly circumstanced.

There appears to be a dominance of classical human rights activism in Ghana, past and present. Aside the historical factors of repressive regimes, there is at least another factor that accounts for the dominance of classical human rights activism even in less repressive times. Most human rights activists in Ghana draw their inspiration and funding

¹² Berry, La Verle (Ed). *Ghana : a Country Study* Federal Research Division, 1995 pp. 204-5; on the Christian Council Of Ghana (CCG) and the Catholic Bishops' Conference (CBC), examples of HRAs which date back to 1929 and 1950 respectively.

See. Contra: "The status of Human Rights Organizations in Sub-Saharan Africa-Ghana" at <http://www1.umn.edu/humanrts/africa/ghana.htm>.

¹³ Berry, La Verle (Ed), op. Cit pp 298-300.

from mainstream international human rights NGOs such as Amnesty International (AI), and national branches of “funding NGOs” which concentrate on first generation rights. These assertions are more than warranted if we examine the types of human rights actors in Ghana and their key activities.

3. Types Of Human Rights Actors (HRAs) In Ghana

The term HRAs is used advisedly. It is not coterminous with the word NGO. This paper adopts the definition of NGOs as “mainly voluntary, or not-for-profit organizations that are found in the realm outside of the public and private commercial sectors,¹⁵ and the World Bank’s definition of NGOs as “...groups and institutions that are entirely or largely independent of government and characterized primarily by humanitarian or cooperative, rather than commercial, objectives”.¹⁶ Aside from human rights NGOs that operate within Ghana exclusively, the term HRAs as used here covers international organizations which operate within Ghana and government funded and or controlled institutions that engage in human rights work. The term therefore covers a wider group than the term NGO as traditionally defined. The term captures the odd mixture of public, quasi-public, private and quasi-private institutions and individuals who engage in activities with clear human rights dimensions. Needless to say, there are several institutions, (NGOs, government sponsored

¹⁴ . Deborah Pellow and Naomi Chazan, *Ghana: Coping with Uncertainty*. Westview Press, Boulder, Colorado; Gower, London, England. P 85-88 . See also, *Ghana : a Country Study* supra, pp 300.

¹⁵ See Dicklitch, op. Cit p 4.

¹⁶ World Bank, *Operational Directive on NGOs, No. 14.70, August 1989*. See also Charnovitz, Steve, “Two Centuries of Participation: NGOs and International Governance” *Michigan Journal of International Law*, winter 1997 p.185. for various definitions of NGOs.

or controlled bodies etc), that do not engage in human rights work as the term is traditionally used. These institutions are not included under the rubric, HRAs. The term HRAs however covers interest groups and pressure groups that are traditionally more local and parochial in their objectives and are thus not covered by the classical definition of NGOs.

A definition of the term HRAs as individuals and institutions that engage in human rights activities raises the more difficult question of what human rights activities are. Throughout this paper, the term “human rights activities” will refer to all activities done with a view to directly providing or improving the rights contained in the International Bill of Rights.¹⁷ Such activities will cover advocating for basic freedoms of speech, movement, and assembly, through working to eliminate inimical cultural practices, to providing relief and technical assistance to communities, institutions and individuals. With this background, it is now possible to comprehensively categorize HRAs in Ghana according to the type of activities they engage in. The two other categorizations; according to their degree of independence from government and according to whether or not they fund activities by other HRAs, will follow suit.

These somewhat unconventional categories serve the purpose of this paper. The first category captures what human rights actors do in fact, and helps us assess one of the themes of this paper; that HRAs use a less than holistic, ephemeral and cosmetic approach to the resolution of human rights problems in Ghana. This categorization also provides the

¹⁷ Steiner, Henry J and Alston, Philip. *International Human Rights in Context: Law, Politics, Morals: Text and Materials*, Clarendon Press: oxford; Oxford University Press: New York, 1996.

basis for the critique that human rights activism in Ghana has failed to move in tandem with the changing character of the human rights problems in Ghana today. Finally, this first categorization allows us to appreciate the diversity of human rights activism and to assess the practicability or otherwise of cooperation between the HRAs. This is another theme of this paper.

The second and third categorizations are about actual control of HRAs in Ghana. It is obvious that the disposition and agenda of other national and international actors, especially sponsors and politicians, affect the design and delivery of human rights activism. It has been said before, he who pays the piper calls the tune. This is yet another of the themes in this paper. As long as HRAs in Ghana are financially dependent, changes in human rights strategies, including cooperation between HRAs, will be well nigh impossible without the support of those who hold the power of the purse. We must note here that all the significant HRAs in Ghana, Governmental and non-Governmental are candidates for, and are indeed funded by various donors and sponsors, national and international.

Armed with these considerations, we now turn to the various categorizations of HRAs in Ghana.

a) Categorisation According To Nature Of Activities

As already noted, the first major categorization of HRAs is based on the type of activities they engage in. HRAs in Ghana are divisible into those that concentrate on first and third generation rights and those that concentrate on second-generation rights. I note once again that these categorizations, although condemned by certain writers, are very

real¹⁸ and its concreteness will be displayed here and in other parts of this paper. Actors in the first category, such as the GBA, the GJA, The Media Commission, The National Commission on Civic Education (NCCE), the Commission on Human Rights and Administrative Justice (CHRAJ), the Legal Aid Board (LAB), Africa Legal Aid (AFLA), the Legal Resources Centre (LRC), concentrate on working for the realization and enjoyment of first and third generation rights such as freedom of speech, of assembly, the right to due process of law, freedom from discrimination, the protection of minorities and the vulnerable etc. The Catholic Relief Services (CRS), the Diocesan Development Offices (DDOs) of the various Dioceses of the catholic Church, the Adventist Development and Relief Agency (ADRA), the Moslem Family Counseling Services (MFCS) etc concentrate on second generation rights, such as the right to food, shelter, work, health etc. There are some overlaps, but these are not significant to any degree.

b) Categorisation According To Degree Of Independence

The second categorization is based on the degree of independence of HRAs from Governmental control. Here, there are a number of sub-categories. There are those that are set up by strict government initiative, and are funded and controlled by government, such as the National Population Council (NPC), the National Mobilization Programme (NMP), and the National Disaster Relief Committee (NDRC). Then there are those that government is required by the constitution to set up. These are funded by government and are to that extent and to varying degrees controlled by government. Examples of these are The Media Commission, the CHRAJ, the NCCE etc. There are also HRAs that are neither set up nor

¹⁸ See supra, note 5.

directly funded by government, but are controlled by government, such as the 31st December Womens' Movement, and the Veranda Boys Association of Ghana. Lastly, there are those that are not set up, not funded and not controlled by government, such as the GBA, CCG, CBC, FIDA-Ghana, LRC, African Commission on Health and Human Rights Promoters-Ghana (CAPSDH-Ghana), Africa Human Rights Heritage (AHRH), Decade of Human Rights Education (DHRE), Ghana Committee on Human and Peoples Rights (GCHPR), NUGS etc.

These sub-categories are fairly regular although slight shifts in control by government occur depending on the stature of the leadership of the particular HRA. Since these sub-categorizations are crucial to an understanding of the dynamics of human rights activism in Ghana, various illustrations of the shifts in government control of some of these actors will be apposite. The CHRAJ for example is seen as very independent of government although it is mainly funded by government and its top staff is appointed, but cannot be removed, by government.¹⁹ The NCCE on the other hand is seen as almost completely controlled by government although it is in the same sub-category as the CHRAJ²⁰ Again, between 1993 and 1997, the Media Commission under the chairmanship of Prof. Kofi Kumado was seen as more independent of government than the Media

¹⁹ The CHRAJ has for example required top government officials to answer corruption charges in a country where the powerful are almost always untouchable. See 1. U.S Department of State, *Ghana Country Report on Human Rights Practices*, 1997 released by the Bureau of Democracy, Human Rights and Labor, Jan 30, 1998. 2. Atuguba, Raymond Akongburo "Building A Human Rights Community: A New Light to the Path of Ghana's Human Rights Commission", (2000) 3 GQLJ (forthcoming). 3. Short, Emile Francis "The Commission on Human Rights and Administrative Justice-Country Report", 1998 (unpublished, obtainable from CHRAJ offices, Ghana, or from Present author) PP 17-19.

²⁰ . Ghana News. "CHRAJ on Exposing Abuses of Public Office" 12 Oct. 1998.

commission of today.²¹ Also, having negotiated between power brokers during elections to the executive board of the NUGS, and the SRC of the University of Ghana, Legon, I am aware that political parties fund the campaigns of some candidates with the understanding that such candidates will tow the line of the funding party if they assume office. The fluctuations in NUGS human rights activism over the years is almost wholly explicable by whether the leadership is funded by a pro-government or an anti-government political party.

c) Funding And Non-Funding HRAs

The last major categorization of HRAs is into funding and non-funding HRAs . Funding HRAs are those actors, which, apart from engaging in their own human rights activism, fund the human rights activities of other HRAs. Examples of these are the Fredriech Ebert Foundation (FEF), the Freidriech Nauman Foundation (FNF), the National Democratic Institute (NDI) and the Konrad Adenauer Foundation (KAF).²² Non-funding HRAs are those which do not fund the activities of other HRAs and often approached external donors and funding HRAs to sponsor their activities. Examples of these are the CHRAJ, FIDA-Ghana, the LRC and the HRSC. The first three HRAs are partly sponsored by the Democracy and Human Rights Fund of the U.S. government, whilst the last is partly sponsored by the KAF.

After looking at these varied actors, the relevant question is; what do they do in fact?

²¹ Ghana News . “Media Commission Cautions Journalists” 11 Feb. 1998; “Media Commission Expresses concern About Unverifiable Allegations” 16 Jul. 1999.

²² The Konrad Adenauer Foundation (KAF) funds the monthly human rights forum organized by the Human Rights Study Center of the faculty of Law, University of Ghana (HRSC).

4. Nature Of Human Rights Activism In Ghana Today

A good way to capture the nature of human rights activism in Ghana today is to think in terms of the first categorization of HRAs discussed above. The categorization into first and third generation rights activists (which covers the classical and neo-classical HRAs) on the one hand, and second generation rights activists on the other, is very helpful as will be presently shown.²³

The second generation HRAs such as CRS etc provide financial and technical assistance usually to deprived individuals and communities. The CRS, and the DDOs for example provide relief to refugees and victims of natural disasters,²⁴ set-up and run rural clinics, schools, bore-holes and micro-financial assistance schemes for low income traders, especially women traders. Such HRAs are usually termed service provision NGOs and have less potential and opportunity to engage in the traditional, often confrontational human rights activism that other HRAs engage in.²⁵

The bulk of human rights activism, in the sense in which the term is traditionally used, is seen only in the activities of the HRAs that concentrate on first and third generation rights activism.

²³ . See supra, note 5.

²⁴ . see Katsriku, Bridget and Oquaye, Mike (Eds). *Government and NGO Relations in Ghana*. (Accra: Gold-Type Ltd, 1996). p 63ff.

²⁵ See Dicklitch, op cit pp 1-4

The key to understanding human rights activism in Ghana is to appreciate the fact that she has been under dictatorial rule for most of her history.²⁶ These regimes had "wide and arbitrary power over the citizens of Ghana"²⁷. Among other things, they engaged in arbitrary killings and arrests, detention of individuals for long periods without trial, and beatings and ill treatment of political opponents and sometimes the general citizenry. During these periods, there were extreme limitations on basically all rights and freedoms, from the right to life, through the right to assembly, to the right to due process of law.²⁸ It is these repressive activities that generated and sustained human rights activism in Ghana. Through strike actions, demonstrations and boycotts, various bodies, (TUC, NUGS, CBC, CCG etc), have opposed these dictatorial tendencies of governments over the years.

With the return to democratic constitutional rule, the consequential extreme limitation of arbitrary rule, and the significant improvement in the basic rights and freedoms of the people, the nature of human rights activism has hardly changed.²⁹ This is strange but not inexplicable. First, there still exist some ghosts of the past dictatorships which, not infrequently, come back to haunt Ghanaians. Arbitrary arrests, police brutality, forceful dispersal of demonstrations etc, well documented in the "US Country Reports on Human Rights Practices", still occur once in a while and constitute manna for old-style

²⁶ Boahen, A. Adu *The Ghanaian Sphinx: Reflections on the Contemporary History of Ghana, 1972-1987*. (Ghana Democratic Movement, Accra; New York, 1989).

²⁷ Berry, La Verle (Ed). *Ghana : a Country Study* op cit note 12 p.299

²⁸ Ibid p.299-300. See also Human Rights Watch. *Ghana: Revolutionary Injustice, Abuse of the Legal System Under the PNDC Government*. Vol. IV Issue No. 1. (Human Rights Watch, 1998).

²⁹ See Ghana News. "Kume Preko and Its Aftermath" 04 Jun. 1995; "Kume Preko on CNN, BBC" 23 May 1995; "No Fufu in Kumasi-Sieme Preko Tops All" *The Statesman*; "Famepreko in Cape Coast" 04 Jun. 1995.

human rights activism. Second, human rights activists are still enjoying the exciting opportunities offered by the significant freedoms in the new dispensation and see this as an opportunity to unearth and display some of the hidden atrocities, and reveal some of the details of known atrocities that they could not do in less favorable conditions³⁰.

Thus, the only significant changes in human rights activism in the new dispensation are two: There is first a general increase in human rights activities, from seminars and workshops to public demonstrations. Related to this development is the fact that these activities are now done more openly and with far less trepidation than was the case before the return to democratic constitutional rule.

The second significant change in human rights activism is that HRAs are now broadening the index of actual and potential violators of human rights beyond the confines of government and its agencies, to cover non-governmental institutions, especially the private sector and private individuals. Of late, the HRM in Ghana has targeted the perpetrators of certain inimical cultural practices for attack and is actually collaborating with government (its traditional opponent) to end these practices.³¹ As noted earlier, HRAs such as the CHRAJ have also been very instrumental in monitoring the human rights record of employers in the private sector.

³⁰ See Ghana News. "Bar Marks 17th Anniversary of Judges' Murder." 02 Jul. 1999.

³¹ See supra, note 5 and US Department of State, *Ghana Country Reports of Human Rights Practices*. 1997, 1998, 1999. These reports show the HRM in Ghana has succeeded in lobbying the legislature in Ghana to legislate against certain cultural practices that they consider to be human rights abuses.

If we add these new developments in the HRM, to the traditional activities of first and second-generation rights activists in Ghana, the story of human rights activism in Ghana today is complete.

In the next chapter, I shall assess human rights activism in Ghana within the framework of a statement of the human rights problems in Ghana. By doing this, I hope to graphically illustrate the dissonance between these human rights problems and the methods the HRM in Ghana have chosen for resolving these problems. Chapters three and four will be more prescriptive in tone, and will suggest ways of ensuring that human rights activism moves in tandem with the present human rights needs of Ghana, whilst simultaneously empowering various marginalised constituencies. This will be illustrated by accounts of the activities of some human rights actors that appear to have taken account of the current inefficiency of human rights activism and are changing their strategies accordingly.

CHAPTER TWO

THE REALITY OF HUMAN RIGHTS ACTIVISM IN GHANA

1. Introduction

Having examined, very broadly, the types of HRAs in Ghana and their key activities, it is essential to look more closely at concrete examples of what they do in fact. This is necessary for a proper assessment of their activities. An assessment of the activities of these HRAs can be effectively done only within the framework of a statement of the human rights problems of Ghana, which the HRAs profess to address. This chapter, therefore, captures as concisely and as comprehensively as possible, the nature of human rights problems in Ghana, and proceeds to outline, some of the obvious responses that these problems should excite. This is set against the actual responses of HRAs to the said problems. I will illustrate these responses by examining the activities of one first generation rights HRA and one second generation rights HRA. The juxtaposition of what HRAs should be doing with what they are in fact doing, provides an automatic evaluation of the activities of the HRAs. What then are the human rights problems in Ghana today?

2. Nature Of Human Rights Problems In Ghana Today

Ghana has been under dictatorial regimes for most of her 43 years of existence. Dictatorial constitutional regimes and outright military dictatorships, ruling by decree, brought in their wake serious Human Rights (HR) abuses. In 1993, there was a return to democratic constitutional rule, with a comprehensive bill of rights elegantly set out in the

1992 Constitution of Ghana. Several Institutions, governmental and non-governmental, were either freshly established or reinvigorated to work for the development and endurance of a Human Rights culture.

As would be expected, there has been a change in the character of human rights problems in Ghana. For the first time since She attained republican status in 1960, Ghana has had two successive parliamentary and presidential elections, and the third is due in December 2000. The killings, disappearances, brutalities, unlawful dismissals from employment etc, experienced during military rule are now almost non-existent.

However, economic reforms, basically capitalist in outlook and effect, and unleashed on a Country that had for the most part of its history been socialist oriented, brought in their wake, a new variant of human rights problems.³² The massive cuts in government spending on social services and programs meant greater poverty for several vulnerable groups.³³

Whilst big companies and rich individuals are able to access expert legal consultation, advice and representation, a growing lower class, made up of the urban and rural poor are denied justice by the hour because of their inability to pay for the invocation

³² Berry, La Verle (Ed). *Ghana : a Country Study* op cit p.130ff, especially pp.136-137 and 149. See also 1. Amnesty International. Africa Regional Country Index, AI Report 1998 Ghana 2. Amnesty International. Africa Regional Country Index, AI Report 19989 Ghana. Contrast with Human Rights Watch. "Government Denies Existence of Political Prisoners" Vol. No. 3 Issue No: 11 August 12 1991. This exemplifies the change in the nature of human rights abuses in Ghana.

³³ . See Lynne Brydon, " 'With a Little Bit of Luck...' Coping with Adjustment in Urban Ghana, 1975-90." *Africa* Vol. 69 No. 3 1999 p 366, especially p 380ff. Brydon did most of the field research for this article in the community where the Legal Resources Centre (LRC), a Ghanaian human rights NGO was established about 7yrs after the article was published. The activities of the LRC are discussed in Chapter 3.

of rudimentary processes for the realization of their rights. This situation is even worsened by the fact that many of the latter category do not often know their rights and are thus taken for a ride by the more ‘enlightened’ folks. Having lived in times when detentions without trial, trials in absentia, and the arrest of individuals to atone for the ‘crimes’ of their ‘fugitive’ relatives were the order of the day, most ordinary people are unaware of the current illegality of such practices. A good deal of human rights education is thus called for if ordinary citizens are to be empowered to access their rights. Yet the problem does not end there.

In instances where the ordinary folk know their rights, there is often an unwillingness to access or claim them for a number of other reasons. As mentioned earlier, one of the reasons is the cost of these services. But there are other reasons.

Most ordinary people in Ghana view lawyers as liars, cheats etc, who should be feared and at most tolerated, but not befriended. There is still a popular belief in Ghana that lawyers are buried face down because they are so sinful, they cannot approach God in the hereafter, except with their backs. A good deal of getting ordinary folks to access their rights therefore lies in undoing these gross misconceptions about lawyers and the law. It is practically impossible to weave deep into the thoughts of ordinary folks, making them comfortable enough to reveal these subterraneous assumptions and conceptions they harbor without first building a high degree of confidence between the public legal/human rights educator, and the community and ultimately the individual. The impersonal nature of radio and television, and to a lesser extent, high level seminars on these issues, held at expensive hotels, cannot achieve this. In any case, the ordinary folks do not attend these seminars and a broad range of rural folk still has no access to radio or television.

Flowing from the above, confidence in legal aid workers allows complainants to bear out the root causes of disputes. Ordinary methods of dispute resolution especially, litigation, do not often deal with such issues, and are often survived by rancor and bitterness. Addressing this other dimension of human rights problems and complaints, which the ordinary folk consider central, greatly enhances their willingness to access their rights.

In most cases, disillusionment with the dispute resolution mechanisms provided by governmental and non-governmental organizations has meant that ordinary folks submit their disputes to their chiefs, religious and community leaders for resolution. These forums for dispute resolution are almost free, are not impersonal, and thus inspire the trust and confidence that encourage ordinary folk, first to use those forums, and second, to do so comfortably.

What is worrying, however, is that, a great deal of the decisions of these traditional and religious leaders constitute in themselves, human rights violations. Thus, unless the capacity of these leaders to resolve disputes with some human rights and legal consciousness is improved, there will be no meaningful progress in the promotion of human rights among several communities in Ghana.

This pretty long narration of the chain effects of a single human rights problem, that is, the lack of adequate public human rights education, is meant to tease out the key human rights problems in Ghana today. In a summary form, these are: an increase in human rights problems of the second generation rights genre, and the systemic character of human rights problems.

The other major human rights problem I deal with in this paper, is the ephemeral and cosmetic character of human rights activism. A historic over-concentration on first generation rights activism ³⁴ has led to the development of a particular culture of human rights activism in Ghana. This culture involves the adoption of certain strategies used by first generation rights activists, such as short-term activism around a particular narrowly focused problem, e.g. the release of political prisoners, or even of a particular prisoner; dispersed uncoordinated actions by several activists; and media-centered human rights activism. Unfortunately, this form of activism has been adopted by second-generation rights activists, with dismal results. It is not preposterous to claim for example that the practice of some human rights activists of waiting for media coverage before they release relief assistance, a phenomenon I describe in more detail in this chapter,³⁵ is a function of the media-centered character of first generation rights activism. This problem is complex because it arises from the attempts of HRAs to solve human rights problems. In effect, I problematize the problem solving activities of the HRM in Ghana.

Before we look at some responses of the HRM to the current human rights problems in Ghana, it will be worth our while to summarize the said problems. First there is the increase in human rights problems of the second-generation genre, and then there is the systemic character of human rights problems. The third major problem is that second generation rights HRAs have brought to human rights work, the culture, philosophy and

³⁴ “Non-governmental Organisations in Sub-Saharan Africa” published by The Swedish NGO, Foundation for Human Rights and International Human Rights Internship Program.
<http://www1.umn.edu/humanrts/africa/charactr.htm>

³⁵ See *Infra* p 39ff.

tactics of first generation rights human rights activism, which activism is short-term, ephemeral, issue-centric, dispersed/uncoordinated,³⁶ and media-centered.

I will illustrate the response of Ghanaian HRAs to these problems, by examining the activities of two HRAs in Ghana, one from the first, and the other from the second-generation rights HRAs.³⁷ To an examination of examples of current human rights activism in Ghana, it is now necessary to turn.

3. Solving Human Rights Problems A'La Legal Aid Board (LAB).

The LAB was established by a law passed by the PNDC government in 1987.³⁸

The chief role of the LAB was to provide legal representation to some categories of persons, mostly indigent clients. This was thought necessary because market reforms beginning in the 1980s, and the consequential reduction in spending on social services, produced a growing lower class that could not pay for basic legal services.

The LAB has been in operation since then, and was re-established by Act of parliament after the 1992 constitution came into force. The LAB now has offices in all the

³⁶ Supra, note 34.

³⁷ I choose these two HRAs for two reasons. First they are classic examples of the groups of activists they represent. Second, I have had some working experience with these two HRAs. I interviewed officials of the Legal Aid Board (LAB) and monitored cases handled by LAB lawyers when I researched into the administration of the death penalty in Ghana. See, Atuguba, Raymond Akongburo "Retention versus Abolition: A Look at the Death Penalty in Ghana" LLB Dissertation, Faculty of Law, University of Ghana, June 1997.

Between 1993 and 1995, I worked on a number of projects with a Diocesan Development Organisation (DDO) of a Catholic Diocese in Ghana.

It is perfectly possible to substitute other HRAs in Ghana, but I prefer to examine HRAs of which I have a first hand knowledge.

³⁸ . The PNDC government was the executive and legislative authority in Ghana between 31st Dec. 1981 and 7th Jan. 1993.

ten administrative regions in Ghana, and has recently received very favorable consideration in terms of governmental budgetary allocation of funds to various institutions³⁹. The LAB represents indigent clients in court cases ranging from murder charges through landlord and tenant disputes, to divorce, alimony and child custody cases. In appropriate instances, the LAB uses alternative dispute resolution mechanisms to resolve cases reported to their offices. The LAB is a first generation rights activist, through and through, concentrating on concretizing the right to legal representation for indigent clients.

The LABs activities have some loopholes. There is no intense cooperation between the LAB and HRAs that concentrate on human rights education. As will be shown presently, this could have very important advantages. Again, the LAB has failed to consciously feed research and advocacy HRAs with information processed from the statistics of the complaints they receive and handle, another case of neglect of an opportunity for efficiency and effectiveness in human rights activism through cooperation.

If such cooperation existed, there will be two main advantages. First, the educational, research and advocacy activism of other HRAs will be strengthened as they concentrate their work on the real human rights problems facing the communities they work for. This is because, a simple statistical analysis of the types of complaints received by the LAB, can reveal the real human rights problems of the communities. And this in a way which, in my experience, is very striking. Second, this could lead to a reduction of the influx of cases to the overburdened LAB as public education HRAs make the various communities legally literate on the law relating to the matters that are recurrently reported to the LAB. This will ultimately lead to the freeing up of LAB staff for other aspects of

³⁹ Ghana News. "Justice Ministry Allocated 11.6 Billion Cedis" 05 Feb. 1999.

human rights activism. The experiences of the LRC, which are discussed in the next chapter, have shown these propositions to be true.

The activities of the LAB illustrate a lack of appreciation of one of the key characteristics of human rights problems in Ghana-their systemic character. Most cases that are handled by the LAB will not arise, or if they do, will be resolvable without resort to the LAB and to the courts, if the bulk of the ordinary poor folk knew their legal rights and duties. A good number of the rest of the cases can be dealt with through research and advocacy for policy and legislative reform.⁴⁰ What is needed to complement the activities of the LAB are HRAs engaged in public legal education and research and advocacy on the issues that are recurrent in the work of the LAB. Only cooperation between the LAB and such HRAs can achieve this. I will return to these postulations and recommendations in the next chapter.

Beyond the reality of lack of cooperation, some apparitions of hope can be observed. Various first generation HRAs have started concentrating on public education, whilst referring cases that involve litigation to the LAB.⁴¹ What is still dysfunctional is the fact that the LAB does not feed these other HRAs with the output of their work, including recommendations as to which areas of the law the latter should concentrate on in their public education and research and advocacy efforts.

The other notable observation is that the activities of the LAB, concentrated as they are on the provision of legal assistance to indigent clients, is an example of the emphasis on first generation rights activism in Ghana. This is strange because the genesis of the LAB,

⁴⁰ I use the term “legislative reform” here to cover all forms of legislation, ranging from Acts of Parliament, through Executive Orders to Administrative Instructions.

was the concern for the second-generation rights of poverty alleviation. It is to be wondered why the policy makers of the time did not concentrate on poverty reduction strategies as a way of making the indigent financially comfortable enough to pay for legal services. It is possible that the relatively long-term character of poverty alleviation strategies discouraged policymakers from choosing that alternative strategy. Or, are they really long-term? We shall now turn to an examination of the activities of a poverty alleviation, (second generation rights) activist.

4. Human Rights Activism A'La Diocesan Development Office (DDO) Of The Catholic Church Of Ghana.

The Catholic Church is perhaps the foremost non-governmental HRA in the area of second-generation rights activism in Ghana. Several government officials including the current president of Ghana have publicly noted this on several occasions.⁴² The Catholic Church plays this role through its various agencies, notably the CRS and the DDOs of the various dioceses in the country. From education to health, village water projects to the construction of latrines, the hand of the Catholic Church is visible through the country, especially in the rural areas.

I examine here, the activities of one such DDO I worked with. I look specifically at two projects I was principally responsible for executing, working with a colleague and under the directions of the Diocesan Development Coordinator. The first involved assessing the needs of various communities who were victims of natural disasters (the

⁴¹ The LRC and AFLA have done this on a number of occasions and FIDA-Ghana does this quite often.

floods project), and the second involved locating and delivering assistance to internal refugees fleeing ethnic conflicts in a part of Ghana, (the ethnic conflicts project).

Canoes Of Human Rights-The Floods Project

Our job was straightforward. Go by car, motorcycle and canoe, identify the victims of the floods, assess their needs, report back to the office and then help design a relief package for the victims of the natural disaster. Then go by car, motor cycle and canoe to deliver the packages.⁴³

The cause of destitution was twofold: the collapse of homes and the laying of food crops; both caused by rain storms and floods. Beyond the bags of maize/corn we apportioned to the victims of these floods, and the promise to provide building materials or food for work to facilitate their reconstruction efforts, they needed something else. What they needed was technical advice on how to build their houses, the type of mud to use, how this mud should be treated before it is used and so forth. In my own purely untechnical

⁴² Ghana News. "Catholic Agency To Feed Pupils" 14 Aug. 1997; "Girl Child Education Still Low, Minister" 15 Mar. 1999; and especially, "New Theatre for Saint Patrick's Hospital Commissioned" 22 Jan. 1999.

⁴³ I cannot help but note one of a series of very interesting phenomenon during this project. Looking through the reports of the field officers of the National Mobilisation Programme (a government disaster relief agency), I realized that there was a recurrent notation of the fact that in this and that household, a number of chicken (between 1 and 5) had died as a result of the floods. This was intriguing and a bit annoying considering the fact that human lives and more substantial property were lost following those floods. During our own fieldwork, it struck me that the religion practiced by the flood victims involved periodic sacrifices of chickens through their ancestors to God. Chicken, even day-old chicks, which were enough for the religious exercise, were therefore a somewhat prized possession in that area. The reports of the NMP field officers were therefore a candid representation of the complaints and needs of the victims, although they were seriously remonstrated by their boss.).

viewpoint, the cause of the collapse of several of the houses was that cropping was done too close to their houses, and the type of food crops planted grew up to and beyond the roofs of these houses. The effect was that, due to improper aeration, the mud walls of the houses remained very wet well beyond the stoppage of every episode of rainfall or storm. This multiplied the propensity of these walls to succumb to the vagaries of the weather. In one particular community, the simple solution was to relocate a few fishing families to another side of the river that was far less flood prone and even appeared to be more of a strategic location for a fishing community. Again, the laying of crops could have been prevented by agro-forestry and similarly advanced agricultural practices. It is heart warming to know that the DDO I worked with is currently undertaking an aggressive program of agro-forestry in one of the communities in its jurisdiction.

b) Guinea Fowls And Human Rights-The Ethnic Conflict Project.

The “guinea fowl war” is a popular expression in Ghana. It refers to the immediate cause of an ethnic conflict that erupted in Ghana in the mid-nineteen nineties. An argument during a transaction involving the sale of a guinea fowl ignited an ethnic conflict that was waiting to happen.

The DDO initiated a program of identifying and assisting persons fleeing the conflict area and into its area of jurisdiction. The most difficult part of this project was locating the refugees. This was because they kept their identities hidden for fear of victimization by members of opposing ethnic groups. We realized in the course of our work that various governmental efforts were being made to the same end. Aside our weak attempts to initiate

cooperation, attempts that were rebuffed when we became critical of the situation reports of some of the actors; there was no cooperation between the various actors.

Effective collaboration and cooperation in this effort could have produced a number of advantages. First, it could have reduced the amount of time and other resources that each organization committed to the relief effort. Second, relief could have come to the victims earlier than it actually did.

In my own ex post facto analysis, the greatest contribution that the DDO, or any other NGO could have given to the speedy and efficient resolution of the refugee problem, was to provide a video crew to the government agencies who were working on the project. This is because the latter, led by the NMP were able to mobilize considerable relief assistance from government and other sectors and in most cases delayed assistance until they got radio and television coverage of the process of relief delivery. And this in a region which had only one television crew. Facilitating television coverage of the process would have satisfied the political agenda of government, its agencies and officials (who were concerned about being seen as doing something concrete to alleviate the suffering of a section of its people) whilst speeding up the release of relief assistance.

On a more serious note, very little has been done to find solutions to the conflicts which gave rise to the "guinea fowl" war. Aside the initial relief assistance, the deployment of the police and the military to quell the conflict, and the imposition of some security measures, the government set up a Permanent Peace Negotiating Team (PPNT) to mediate disputes in the conflict zone. The PPNT made up of religious leaders, members of the Council of State, representatives of NGOs etc, organized seminars and workshops to promote dialogue between feuding factions with the usual profuse media coverage. But as

one commentator has stated; “ Beyond pleas of peace by government officials, members of parliament, and other prominent opinion leaders, there has been little effective intervention” and there are still “reports of latent insecurity” in the conflict area⁴⁴. Until HRAs see their short term solutions to this problem for what they are-temporary, and investigate the root causes of the conflict, (such as the claims of inequitable distribution of land), and then advocate for some enduring solutions, (such as land reform), “latent insecurity” will continue to reign in the conflict zone.

The examination of some of the activities of the LAB and the DDOs has revealed once again the absence of effective cooperation between HRAs in Ghana. It also reveals the cosmetic character of the solutions to human rights problems that are implemented by HRAs. We can also discern from the activities of the NMP, a transportation of the strategies of first generation rights activism to second-generation rights activism, thus making the latter issue-centric, dispersed and media-centered.

It is clear that HRAs are not responding strategically and imaginatively to the human rights problems in Ghana today. Or are they?

⁴⁴ US Department of State. Report, *Ghana Country Report of Human Rights Practices*, 1998.

CHAPTER THREE

APPARITIONS OF HUMAN RIGHTS

1. Introduction

In the previous chapter, we examined the activities of some HRAs in Ghana. We saw how a non-systemic approach to the resolution of human rights problems, and the absence of cooperation between HRAs, militate against effective human rights activism in that country.

In this chapter we shall look at the activities of another set of HRAs, and identify various efforts by these actors to deal with the systemic character of human rights problems and to cooperate with other HRAs in their various activities. In this regard, I will examine the activities of the Commission on Human Rights and Administrative Justice (CHRAJ), and the Legal Resources Centre-Ghana, (LRC)⁴⁵

⁴⁵ I chose these HRAs because I have had working relationships with them. I worked with the CHRAJ when I researched for my dissertation on the death penalty in Ghana. See *supra*, note 37. Since 1997, I have been the Projects Director of the LRC.

2. HUMAN RIGHTS A 'LA CHRAJ⁴⁶

The CHRAJ is a key human rights institution in Ghana. The Constitution has magnanimously imbued it with enough potential to beat a permanent path of salvation for the Human Rights Movement (HRM) in Ghana. The CHRAJ is established by an entrenched provision of the Constitution. The Constitution is the fundamental law of the land against which all legislative Acts and other public and private actions are measured, falling or standing according as they are consistent or inconsistent with the constitution. The Constitution defines the functions and powers of the CHRAJ inclusively, leaving the details to an Act of Parliament, which extends the said powers. Basically, the CHRAJ is an independent institutions set up to hear, investigate and determine complaints of violations of human rights and abuse of power against public and private institutions and individuals and may enforce its decisions by court action. The CHRAJ is also mandated to provide public education on human rights. Notably it is the only institution capable of deconfiscating some properties confiscated by the last two military regimes, an extremely coveted function.

The Constitution chose to establish one institution to deal with both issues of human rights and administrative justice. Thus the CHRAJ is in a sense an expanded Ombudsman with a specific human rights mandate. This means that aside its Human rights agenda, the CHRAJ as a sort of successor to the Ombudsman, has a specific charge to ensure accountability of various public institutions and officials.

⁴⁶ The next few paragraphs are shamelessly pillaged from Atuguba, Raymond Akongburo "Building a human Rights Community in Ghana: A light to the Path of Ghana's Human Rights Commission". (2000)3 GQLJ, (Forthcoming).

The CHRAJ has a high degree of national and international approval. Indeed it has been hailed as “the peoples’ champion”.⁴⁷ Popular national support for the commission comes partly from its success in standing up to the government and other powers that be. The CHRAJ has for example investigated allegations of corruption against top government officials, declaring some of them corrupt, and this in a country where the powerful traditionally bask in their ill-gotten wealth with impunity.

What is remarkable about the activities of the CHRAJ is a sense of the systemic character of human rights problems. Besides receiving human rights complaints and resolving them through mediation, CHRAJ hearings, court action etc, the CHRAJ engages in some amount of public human rights education and advocacy.

The CHRAJ has since its inception tried to incorporate public education into its programs. It has been involved in the organization of seminars and workshops for police officers and other government officials in order to raise their human rights consciousness.⁴⁸ It has also been involved in various advocacy roles. These include advocating for an abolition of the death penalty, the improvement of the conditions in Ghana’s prisons, and the ending of various inimical cultural practices.⁴⁹

The CHRAJ has also made serious efforts to cooperate with other HRAs. Aside the relations it maintains with funding HRA,⁵⁰ the CHRAJ cooperates with other HRAs. It has been known to have collaborated with International Needs, an NGO, to work for the release

⁴⁷ Ibid.

⁴⁸ . See CHRAJ-Ghana, Third Annual Report, p. 6.

⁴⁹ . See Ibid, p. 8-11 ; Atuguba, Raymond Akongburo op cit. Note 36.

⁵⁰ Supra, note 48 for list of HRAs which sponsor some activities of the CHRAJ.

of several children from fetish slavery in a part of Ghana, and with FIDA, the Centre for National Culture (CNC), and the National House of Chiefs, to end the phenomenon of “witches camps”.⁵¹

Indeed, “[f]rom the inception of the commission, it was realized that it would be necessary to co-operate with other national institutions, such as the National Commission for Civic Education and the National Media Commission, if ...a considerable measure of success, especially in the promotion of the fundamental human rights and freedoms of the citizens”, was to be achieved. “The initial collaboration was quite successful but internal problems and challenges facing the Commissions have resulted in a suspension of their joint efforts...The Commission appreciates the importance of establishing and maintaining close cooperation with non-governmental organizations that are directly or indirectly involved in the promotion and protection of human rights.”⁵² These are words from the horse’s own mouth. Need I say more?

Two things are evident from the activities of the CHRAJ. First, it has a sense of the systemic character of human rights problems in Ghana, and tries to approach these problems in a near holistic way. Thus, unlike the LAB, it is not content with merely resolving complaints of human rights abuses, but goes further to engage in human rights

⁵¹ For more information on fetish slavery and “witches Camps”, See Emma Brooker, “Slaves of the Fetish” *Independent on Sunday* 16 June 1996 p. 12ff and US Department of State Report. *Ghana Country Report on Human Rights Practices* 1998. P 13.

The former practice involves some form of enslavement of children, and the latter term refers to the phenomenon of banishing women accused of witchcraft to penal villages/witches camps, by traditional authorities.

education and research and advocacy in order to achieve more systemic resolutions to the human rights problems in Ghana.⁵³ Secondly, the CHRAJ knows the value of cooperation among HRAs and the benefits of same, and is exploiting that strategy. It is interesting that cooperation as between constitutionally established HRAs has not been successful, whilst cooperation between these HRAs and non-governmental HRAs have been largely successful. We shall return to these intriguing issues in the last chapter and after we have examined the activities of the LRC.

3. HUMAN RIGHTS A'LA LEGAL RESOURCES CENTRE (LRC)

The LRC is a Ghanaian human rights organization established with the immediate purpose of providing free legal assistance to deprived communities. Its long-term objective is to engage in broader issues of human rights, through research and advocacy. The LRC has three departments, which handle public human rights education, legal aid and research and advocacy issues.

⁵² Short, Emile Francis “The Commission on Human Rights and Administrative Justice-Country Report”, 1998(unpublished, obtainable from CHRAJ offices, Ghana, or from present author supra p19 .

⁵³ . In fairness to the LAB, I must note that its specific mandate is to provide legal aid in the strict sense of legal representation. Nothing however stops the LAB from collaborating with other HRAs as suggested in the previous chapter. The CHRAJ on the other hand has a specific mandate to provide both legal aid, in the strict sense, engage in Public human rights education, and investigate reports of human rights abuses. Indeed the CHRAJ strategies are insightful for the LAB. Despite the absence of a clear mandate to do so, the CHRAJ has started investigating human rights issues suo moto, and in other instances where there has been no formal complaint to the CHRAJ, e.g. following a news report of some human rights violation.)

Its strategy has been to adopt a grass-root approach to achieving its objectives. The primary target group of the LRC has been individuals and communities most vulnerable to human rights abuses due to a variety of reasons, chief among which are; poverty, illiteracy, and discrimination.

In terms of human resources, young lawyers and law students make up the strength of the LRC. Working as volunteers, they provide free legal advice and counseling to the communities. In cases of egregious abuse of human rights, the LRC has either resorted to court action for redress or referred complainants to the LAB. Of late the LRC and AFLA have started a practice of splitting the legal costs of such cases when the matter is very urgent.

In another development, and to contain the influx of cases, the LRC has provided the African Society of International and Comparative Law (ASICL) with the preliminary results of its study of the social organization of some communities, together with its experiences gathered whilst working in these communities. The LRC then assisted the ASICL to set up a legal aid clinic in one of the communities. This clinic was co-run by the LRC until it was self-sustaining.

In a quite different vein, volunteer lawyers sit in at dispute resolution sessions held by the chiefs and community leaders of these communities and provide the necessary legal assistance for the resolution of problems that almost always have grave legal implications.

Aside the legal aid clinic, the LRC runs the Human Rights and Democracy Public Education Programme, which involves educating various communities on human rights issues and aspects of good governance. The topics treated at these public education

sessions are a synthesis of the recurrent complaints that are made to the legal aid clinic of the LRC. In this way, the LRC hopes to reduce the influx of clients to the clinic by giving the communities a modicum of appreciation of legal issues, that is necessary for the proper settlement of the disputes most recurrently reported to the clinic.

For the first two years of its existence, the LRC has concentrated on legal aid and public human rights education. Currently the LRC is executing a yearlong public education program with sponsorship from the Democracy and Human Rights Fund of the US Government. As a result of this, the target communities, sensitized about their rights, have made an onslaught on the Legal Aid Clinic of the LRC with genuine complaints about human rights abuses. The number of complaints have been far beyond the capacity of a clinic initially set up to give free legal advice to a few indigent clients, and to litigate instances of gross human rights abuses.

The social survey has revealed the importance of traditional dispute resolution mechanisms in the target communities with which the LRC works. Indeed, many of the complaints received by the legal aid clinic are from persons dissatisfied by the rulings of Chiefs, Community and Religious Leaders (CCRLs). The LRC has therefore proposed to strengthen the capacity of the CCRLs to hear and decide disputes with a certain amount of legal and human rights consciousness.

The public education campaign has thus taken a new turn. It is the desire of the LRC to concentrate on an effective programme of human rights education for the chiefs and community leaders, so that they resolve the numerous disputes brought to them with a fair amount of human rights and legal consciousness. The LRC certainly realizes the systemic nature of human rights problems in Ghana, and appears to be engaged in various

cooperative human rights efforts with other HRAs. There are problems, but thankfully these are in the nature of speed bumps as opposed to roadblocks.

4. Speed Bumps And Human Rights

A holistic approach to the solution of human rights problems involves reaching out to affect several areas of national life. Politicians interested in maintaining their constituencies and their popular support bases become uneasy. Cooperation between HRAs also has its problems. These are mainly conflicts of interest and competition. I illustrate these problems below, looking once again at the experiences of the CHRAJ and the LRC.

a) Reducing Centralism At The Macro Level-CHRAJ

The CHRAJ has over the years built itself into an alternative power base. The CHRAJ is effectively reducing centralism by its activities in three key areas; the investigation of allegations of corruption against government officials; the investigation of human rights abuses that predate the existence of the CHRAJ; and the enforcement of rules and regulations related to public employment. All these areas have traditionally been dealt with by executive action, which in Ghana has meant extreme executive fiat.⁵⁴ Government has not welcomed the “intrusion” of the CHRAJ into these areas, and various stumbling blocks are being put in the way of the CHRAJ. In some cases, the CHRAJ has had to go to court for an endorsement of its powers to engage in activities in these traditional domains of the executive.⁵⁵

⁵⁴ For examples of these activities by the CHRAJ see US Department of State. *Ghana Country Report on Human Rights Practices* 1998. pp. 12-19.

⁵⁵ Ibid, esp p 13.

By taking up and investigating complaints in these areas, the CHRAJ is reducing centralism and offering an alternative power base for the poor and less privileged, who incidentally are the least politically “connected”. As it strives to empower the powerless, the CHRAJ inevitably comes into conflict with the powerful. This is politics versus human rights at the macro-level.

b) Reducing Centralism At The Micro Level-LRC

The experiences of the LRC tell the story of politics versus human rights at the micro level. The ultimate agenda of the LRC is to act as a vehicle of empowerment for the communities it works with. The ability of HRAs to develop an empowered society, leading to the growth of a functioning civil society depends on their ability to develop and strategically systematize their work in the fields of public human rights education, legal aid and research and advocacy. This involves starting from the provision of legal aid in the strict sense of legal advice and representation for clients. The most recurrent and thorny areas of the law as synthesized from the documentation of complaints made to the legal aid clinic will then be categorized and dealt with in two ways.

Those issues that arise because of ignorance of the law will be dealt with through the public education campaign. Where the problem is due to the state of the law itself, HRAs will investigate these legal loopholes and advocate for reform.

The experiences of the LRC in this three-way approach to the resolution of human rights problems have been largely successful. Further, the evidence is that this process produces a peculiar form of empowerment, and this is where politicians and agents of the government become uncomfortable. The LRC has recorded instances when youth leaders

have gone to the local police station to demand the release of persons detained without trial beyond the statutory period.

Public Legal Education, that touches on the areas of the law that are most relevant to the daily lives and problems of communities, has proved to be a most effective tool of empowerment. It is only when people know their rights that they can go ahead and claim them. Claiming their rights naturally balances the power equation as against those who have hitherto deprived them of same. Ignorance of legal rights, is a terrible cancer, which if left unchecked, can eat deep into a community's development, halt the development of a rights conscious civil society and ultimately create strong power hierarchies and centralism that basks in the glory of the ignorance of the ordinary folk. This is more so, and easily takes root in a society that has experienced a constriction of liberties for the greater portion of her life.

In a situation such as the above, the only way to disrupt and re-align the illegal accumulation of power by certain constituencies is to make individuals, groups and communities conscious of their rights and responsibilities through a functional legal literacy program.⁵⁶

Beyond functional legal education, HRAs must build the capacity of communities and individuals to use their newly acquired power responsibly. The LRC has therefore established LRC Human Rights Action Groups (LRC-HRAGs) for various divisions of the

⁵⁶ In Ghana, the Ministry of Education (MOE) has a Functional Literacy Programme aimed at making illiterate adults functionally literate, that is, able to read and write in their local languages. Materials on health, rural economics, general information, etc written in local languages are then packaged and sent to them. I worked with the Non-Formal Education Division of the MOE (NFED) between 1992 and 1993, and have personally done a lot of thinking on how the experiences and cooperation of the NFED could help in this program of functional legal literacy.

communities. These LRC-HRAGs are responsible for identifying human rights violations, attempting resolutions, and reporting the violations first, to the Community Human Rights Committee (CHRC), and then to the LRC.

Part of the importance of the training program for chiefs, community and religious leaders in dispute resolution, which I mentioned earlier on in this chapter, lies in the fact that the membership of the CHRC comprises the key chiefs, community and religious leaders who will have to ultimately deal with human rights complaints as the LRC withdraws to the background.

Indeed the LRC intends to increasingly withdraw from the provision of legal aid. With a functioning CHRC and LRC-HRAGs, the LRC's role will be limited to resolving the more thorny cases and improving the capacity of these institutions through continuous training and surveillance. In this way the LRC hopes to release resources for public education and research and advocacy. The LRC will then be able to improve its role of defining and articulating the broader interests of the communities and making demands on relevant agencies including government for reform, thus pressuring for more structural changes. The load of pure legal aid work is currently reducing the capacity of the LRC to advance its various research and advocacy projects. It has therefore decided to aggressively proceed with the training program for the CHRC and the CCRLs.⁵⁷

⁵⁷. One Harvard Law Student-Allison Brown, an affiliate of the Harvard Human Rights Program, is getting involved in this training program in Ghana in the summer of 2000.

c) Peculiar Problems Of Reducing Centralism At The Micro-Level

In the experiences of the LRC, it is the agenda of reducing centralism, realigning power hierarchies and creating alternative power bases that is most problematic. It will be apposite at this time to provide an account of the salient features of the local level political organization within which the activism of the LRC takes place.

Of all the regimes and governments Ghana has had, the PNDC stands out as the most significant in several respects. Not only was it the longest ruling government ever, it was the government with the most radical agenda in practical terms. In this, it is challenged only by the Afro-socialist agenda of the first Republic, under Dr. Kwame Nkrumah. The PNDC era was characterized as a 'Revolution', and a Revolution it was in several respects, not least in the way it affected the political organization of the country.

The PNDC professed to be a grassroots political force. To this end, it established various grassroots political and quasi-political organizations throughout the country.⁵⁸ This took place in a country that had previously been characterized by an extremely centralized government structure.⁵⁹ These institutions were not disbanded on the coming into force of the 1992 constitution. They were operationally sanitized, re-labeled and repackaged to fit the new democratic dispensation.⁶⁰ This was because the party of the PNDC won the 1992 democratic elections in Ghana, and clearly used, and intended to continue to use these networks for its political ends.

⁵⁸ Donald I. Ray, *Ghana: Politics, Economics and Society*, (Frances Pinter, London, Lynne Rienner Publishers, Inc., Boulder) passim, esp p 79ff ; Ghana: a Country Report, op cit. p 193-200; Deborah Pellow and Naomi Chazan, *Ghana: Coping with Uncertainty*. (Westview Press, Boulder, Colorado; Gower, London, England).

⁵⁹ Ghana: a Country report, op cit. Note 12 p224.

⁶⁰ Ibid

These grassroots organizations are the only forms of political activity outside the main cities of Ghana, and have been slowly engraved into community life. This phenomenon is worsened by the fact that the current government of Ghana has extreme control over the formal administrative structure, with its excellent grassroots network and freely uses it for its political campaigns.⁶¹

Another development is particularly worrisome. The ruling government and its sympathizers form and operate NGOs that function along side the regular NGOs. These are called GONGOs. Drawing from the extensive political network of the ruling party and the administrative apparatus of government, these NGOs have a significant impact in all parts of the country. Any critical observer of Ghanaian politics knows that it is the effectiveness of this grassroots networking by government sponsored NGOs that accounts for the victory of the National Democratic Congress in the 1992 and 1996 elections in Ghana.⁶²

Flowing from the above, grassroots human rights activism of the type engaged in by the LRC, faces potential problems. This is because, such mobilization takes place within a society that has experienced grassroots political mobilization since the “power to the

⁶¹ At the local government level, there are, in descending order, District (or Municipal or Metropolitan) Assemblies, Town (or Zonal or Urban) Councils, and Unit committees. The president appoints thirty percent of the membership of the District Assemblies. The rest are popularly elected in non-partisan elections. He also Appoints District Chief Executives (DCEs) with the prior approval of two-thirds of members of the Assembly. The DCEs head the District Assemblies. See articles 240-256 of the 1992 Constitution of Ghana.

⁶² Although the opposition parties disputed these elections, they were generally passed as fair. The irregularities discovered could not have changed the election results to any significant degree. Ghana: a Country report op cit. p211-217.

people” program of the PNDC.⁶³ Two results are likely to occur, one positive, the other negative.

On the positive note, it may be possible to take advantage of the existing grassroots structures to propagate the message of human rights, thus cutting down the costs of human rights activism.

On a negative note, the architects and controllers of the grassroots networks could use their leverage to deny access to these networks by HRAs. They are likely to do this if they are dissatisfied or suspicious of the activities of particular HRAs. They may even go to the extent of disrupting the creation of alternative and independent grassroots networks by HRAs. The other alternative for the powers that be, is to try to co-opt the HRAs by waving the grassroots networks as carrots and subsequently attempting to tailor the activities of HRAs to their political agenda. The LRC has noticed this in the initiative and willingness of politicians to get involved in its activities.⁶⁴

It is within this type of political organization and constraints that HRAs are called upon to neutralize as much as possible, the growing centralism and monolineal trend of political development. They may do this in a number of ways.

⁶³ .See Donald I Ray op cit. p 72ff for examples of these types of organizations in Nima, one of the communities the LRC works for.

⁶⁴ . In July 1999, the LRC formally launched its first Democracy and Human Rights Public Education Programme. The willingness of politicians to participate in the program was extremely high. A few minutes before the start of the program, a Deputy minister of State arrived at the ceremony grounds and asked why he was not invited to the ceremony. I explained that the Minister in charge of the sector ministry of which he was a Deputy Minister had been invited to the ceremony, and that we did not want to take the time of two ministers from the same ministry. I added that he was nevertheless invited to the ceremony if he had sometime to spare. (Dis)satisfied, he drove off and returned about an hour later fully dressed for the occasion. As he arrived, the crowd cheered.

First they may attempt to infiltrate the existing structures used by the ruling government, and present to the people a politically neutral message of human rights. This strategy involves the danger of co-optation of HRAs by the government as they use the same structures together over a long period of time. This could be done subtly, say by designing joint programs. Another danger is that the government may deny access to these structures by any, but the HRAs that are prepared to tow its line.

A second alternative will be to set up fresh non-politically aligned grassroots structures. There are biting efficiency and resource allocation arguments against this strategy. There is also the danger of open conflicts between the new groups and the preexisting structures.

In the circumstances, the best strategy is to locate existing alternative social organizations that have not been co-opted by the ruling government. Such organizations exist in every community. What the LRC has done is to study the social organization of the communities it works with, locating in the process, the various social groups to which almost all members of the community are affiliated. Reaching out to all the social groups means reaching out to the whole community through groups that are organized so as to cross-cut the existing polarities of political organization. By reaching out primarily to youth, women, men, religious, and area groups among others, the LRC, gets the message of human rights and mobilization to the whole community apolitically. This would have been different if the LRC had chosen a type of group identification that was political, such as working primarily with units of political parties and politically motivated NGOs such as the ACDRs and the 31st December Women's Movement.

d) How Apolitical Is The Message Of Human Rights

Human rights activism is inherently politically sensitive. As noted in the first chapter, if we discount the activities of second generation rights HRAs, the rest of human rights activism consists almost entirely of pressuring government or its agencies for redress of one human rights abuse or other. From demonstrating in the streets against high costs of living, through calling for investigations into police brutality to claiming statutorily free or subsidized services from government agencies. This is not made any easier by the fact that the sponsors and controllers of the political structures under consideration have until recently had a bad human rights record and are still haunted by this. Thus, human rights rhetoric of the type proposed here, would inevitably send chill through their spines. What is more, a chunk of human rights mobilization in the field of first generation rights will have government and its agencies as counterparties.

It appears, therefore, that an apolitical agenda of human rights activism will still be skewed against the government and generate various reactions from government; attempts at co-optation, non-cooperation, outright opposition, etc.

The strategy of the LRC in this regard has been to start with more politically neutral issues such as marriage and inheritance issues in its advocacy role. A more politically sensitive issue of citizenship of particular settler communities has been temporarily shelved.

Yet, if NGOs in Ghana are to be successful in generating political space leading to grassroots empowerment and genuine participatory democracy, they must be ready and willing to counter balance the subtle but on-going monolithic development of political participation by providing alternative centers of power, thereby pluralising the institutional

environment. This involves engaging in some of the political questions the LRC is shying away from.

5. Concrete Apparitions Of Human Rights

In this chapter, we have seen concrete and encouraging developments in the activities of some HRAs. These actors are pursuing their goals with a consciousness of the nature of human rights problems in Ghana. The key approaches have been to design solutions to human rights problems that take account of the systemic character of human rights problems, and to cooperate with other human rights actors in the effort to solve these problems. The former approach involves the usage of a mixture of human rights strategies, mainly public education, legal aid and research and advocacy. The latter approach involves cooperation between HRAs that traditionally use these strategies. It has been shown that these approaches are more efficient, effective and optimal. It has also been shown that this two-tier approach has the potential of empowering the beneficiaries of human rights activism, making them more independent of HRAs and more involved in the process of improving their own human rights situation. This can lead to a re-alignment of power hierarchies that are detrimental to the promotion of human rights and ultimately lead to the development of a pluralist democratic society.

Beyond these favorable apparitions, two dreams have to be hoped for; that the tradition of non-collaboration and the evidence of competition between HRAs in Africa⁶⁵ does not abort the embryonic cooperative efforts being made by some HRAs for the

⁶⁵ Supra, note 34.

realization of the dream of human rights; it is also hoped that these HRAs will bravely continue in their empowerment roles, despite opposition from the powers that be.

The positive political transformations that took place in Ghana in 1993 were not generated only by the political conditionalities of western donor states and agencies,⁶⁶ but also by internal pressure from HRAs.⁶⁷ The HRAs in Ghana cannot now abdicate their role of nurturing Ghana's new democracy. We return to this issue in the next and final chapter.

⁶⁶ DicKlitch op cit. p.1

⁶⁷ Boahen, A Adu op cit; Deborah Pellow and Naomi Chazan, op cit. p85ff.

CHAPTER FOUR

DREAMS OF HUMAN RIGHTS

1. Introduction

A lot more can be said about the activities of HRAs in Ghana. The above summary of their activities is meant to help us draw some lessons about human rights activism in Ghana, as a necessary first step in designing a human rights dream for Ghana. This chapter then is about the human rights dream of Ghana.

In this paper, we have noted the main human rights problems in Ghana: the systemic character of human rights problems; and the failure of the HRM to cooperate effectively in the design of a human rights strategy capable of solving these problems. I illustrated the first problem by examining the various complex facets of a single human rights problem-lack of human rights education. I illustrated the second problem by examining the activities of two HRAs in Ghana, the LAB and the DDOs. I have also suggested that a better form of human rights activism is one that takes account of the complex of human rights problems, and through a cooperative effort, attempts to find long-term solutions to same. In this regard, I found as very promising, the activities of the CHRAJ and the LRC which are not only seeking long-term solutions to human rights problems, but are systematically engendering cooperation with other HRAs. I have further contended that any effective solutions to Ghana's human rights problems must have as a component, the ultimate empowerment of vulnerable constituencies. I critically examine these themes in this concluding chapter.

2. Dealing With The Systemic Character Of Human Rights Problems Through Cooperation.

Generally human rights institutions in Ghana have either concentrated on human rights education, legal/economic aid, (that is, the resolution of human rights complaints of individuals/the provision of financial and other aid packages to deprived communities and individuals) or human rights research and advocacy-the investigation of human rights problems facing particular communities or the country as a whole and working for reform. Very few HRAs in Ghana combine two or more of these activities. Nor do they have an acceptable level of cooperation with other actors engaged in some of the other human rights activities.

Whilst the piece-meal resolution of particular human rights problems, measured against the systemic character of the problems is *prima facie* inefficient, there is something to be said for specialization in human rights work. However, absent from the endeavors of the various institutions, is the cooperation necessary to efficiently run a complementary approach to the realization of human rights for all. Thus, various research results of research oriented human rights agencies gather dust on the shelves, whilst other agencies on the field grapple with problems that cry for investigation. Again, whilst grassroots human rights organizers sweat out methodologies and fashion make-shift teaching aids to explain intricate legal rules to illiterate folk, other human rights institutions spend millions of cedis fashioning educational brochures that are hardly utilized.

It is almost certain that the particular response of the human rights community in Ghana to the systemic character of human rights problems shows an absence of any sophisticated strategy to comprehensively deal with these problems. The ultimate aim of

such a comprehensive approach will be to develop in the various communities the capacity to proactively work towards the betterment of their own human rights situation.

To effectively develop human rights in Ghana, the current notion that human rights are scarce goods to be dolled out in portions, reminiscent of food rations given to African refugees,⁶⁸ according to the magnanimity of governments or human rights organizations must be scrapped. Thus the deployment of human rights strategies, which are devoid of any systematic effort to empower communities and help them to eventually take their destiny into their own hands, must be seriously questioned and regarded with suspicion. Through out this paper, I question the usefulness of human rights activism, nay its very existence, only to the extent that it does not, in its operationalization, lead to long-term solutions and the empowerment of those it sets out to aid. Human rights are so vital that they should not be made akin to aid packages. I maintain that help is meaningless unless it helps the helpless to help themselves.

Human rights institutions should develop in individuals and communities the capacity to identify human rights abuses, investigate same and take appropriate action. Human rights institutions would then facilitate these processes and act as a fall back in more serious and complicated instances of human rights violations.

It is important that institutions are reformed in the course of general national development, and human rights institutions are no exception. This ensures that they function effectively within the context of the new order. The current political developments in Ghana call exactly for this. Among other advantages, this will prevent such institutions from being chilled into a state of complacent inaction and urge them to be imaginative in

⁶⁸ On this, see, Lomo Zachary. "The Human Rights Dimension of Asylum Law and Practice in Uganda" LLM Paper, Harvard Law School, May 2000.

overreaching the bounds within which they operated in the old dispensation. It is the thesis of this paper that the mandate of human rights institutions in Ghana has been overtaken by events and is in need of urgent reform.

Throughout this paper, the recurrent suggestion is for a redirection of human rights activities in Ghana. This will involve an application of the synergies of various areas of conventional human rights work in Ghana, to the resolution of a complex set of problems that cannot be effectively and efficiently solved through a single-sector approach. This will involve more comprehensive approaches by individual actors or the development of a culture of cooperation between various actors. This will ensure that piece-meal efforts at human rights work are not largely and inevitably defeated, deflated, or attenuated by the systemic character of human rights problems in Ghana. Here, I give a few suggestions as to how this can be done.

The theme of cooperation has been discussed at length. Indeed at an NGO workshop held in Ghana in 1996, it was agreed that a network of NGOs was necessary for the sharing of information, experience, expertise and capacity.⁶⁹ This could start with small networks, developing into bigger networks with time. This was how the Germans did it and I propose this for Ghana.⁷⁰

Promising efforts at cooperation were noted in the case of the LRC and the CHRAJ. It is however intriguing that the CHRAJ's efforts at cooperation with other HRAs is more successful in the case of Funding HRAs than in the case of Non-Funding HRAs.⁷¹ Again, the cooperation between the LRC and ASICL was stronger during the short period when

⁶⁹ Bridget Katsriku and Mike Oquaye (eds) op cit. P 90, 92, 97, 99-100.

⁷⁰ Ibid p x

⁷¹ See supra, p 47.

the latter provided some funds to cover part of the administrative costs of the LRC's legal Aid Clinic. It is also on record that the initial unwillingness of Private Voluntary Organizations to join the Ghana Association of Private Voluntary Organizations (GAPVOD), turned into extreme alacrity to do so, when the GAPVOD received a massive infusion of funds from the UNDP.⁷² It is thus arguable that the apparitions of cooperation between HRAs are generated more by strategies to tap in on donor funds, than by a genuine effort at cooperation. Beyond this, the familiar sense of competition between NGOs is the order of the day.

As regards competition between NGOs, the Ghanaian concept of "Nnobia", where several men gather to help one another cultivate their farms could be a useful starting point. The particular characteristic of "Nnobia" that is relevant here is that, although all members of the group work earnestly on each farm, it is not collectively owned and remains the property of the particular individual member of the group.⁷³ A cooperative strategy that starts in this way will have the advantage of satisfying the longing of HRAs for autonomy, whilst harnessing resources for effective cooperative human rights work.

3. Dealing With The Ephemeral Character Of Solutions To Human Rights Problems Through Empowerment.

In my estimation, the process of rights claiming by various communities is the most important force in the creation and sustenance of a human rights culture and a democratic polity. Once individuals and groups know their rights and where and how to enforce them, they will target governments and its various agencies, non-governmental agencies

⁷² Bridget Katsriku and Mike Oquaye(eds) op cit. note 151 p. 22

⁷³ Ibid p. 49.

(including HRAs), the private sector etc, and demand that these institutions work with an appropriate level of rights consciousness.

The real importance of rights lies in their actual and potential impact on people's daily lives. Rights are exercised by people and only people can make them meaningful through the process of demanding freedom, economic welfare and all the other ideals that human rights embody.⁷⁴ In this way, they will ensure that institutions work for the benefit of the citizenry that they supposedly serve. This is a play out of the concept of accountability from below.⁷⁵ Classical human rights activism in Ghana has treated communities as passive recipients of the fruits of human rights, grown, harvested and distributed to them by HRAs. Communities must take the driving seat and influence the policy decisions that affect their lives. The more this process of empowerment progresses, the less central and important HRAs become. After they have set up the grassroots arrangements for monitoring institutions, the essence of HRAs will then be to monitor, advise and facilitate the processes by which marginalized communities and individuals claim their rights. This new role will be temporary and may include a specific program for the HRAs to self-destruct when the communities become self-sustaining.

⁷⁴ Center for Economic and Social Rights. *Economic, Social and Cultural Rights: A Guide to the Legal Framework*, Jan. 2000.(Resource Series 1, Available at www.cear.com)

⁷⁵ Clark, Jeffrey A "Human Rights and Democratic Accountability: Toward Useful Brazil-Canada Dialogue on Addressing Institutional Violence" in Mendes, Errol P et al (eds) *Democratic Policing and Accountability: Global Perspectives* (Ashgate: Aldershot; Brookfield USA; Singapore; Sidney. 1999).

4. Conclusion

The test of genuine, sophisticated human rights activism, is the following: is it designed to empower its beneficiaries and make the HRA dispensable, or at least take a back seat? The question for the HRM in Ghana then is whether it is prepared to empower the constituencies it works for and thereafter dissolve itself or take a backseat.

The HRM in Ghana is not unsophisticated. Its leadership comprises some of the finest brains in the country. All this talk about the systemic character of human rights problems, the ephemeral nature of solutions to human rights problems, and the necessity for cooperation among actors is not unknown to them. The aim of this work has been to present these issues in their stark nakedness in order to underscore the absurdity of some forms of human rights activism in Ghana today. The reasons why the HRM is not acting as it should have been hinted at in this essay.⁷⁶ They include issues of control by internal and external actors, especially funding agencies, at the macro level, and issues of competition and petty jealousies at the micro-level. Until these are dealt with, the HRM in Ghana will pathetically continue to engage in near parodies of human rights activism. " I shall return".⁷⁷

⁷⁶ A comprehensive account of this must await a later work that I intend to execute.

⁷⁷ This is a favorite sentence written on commercial buses and other passenger trucks in Ghana. It is generally believed that the inscription appears on vehicles that are not very roadworthy, and stands

as a perpetual reply to skeptics who may wonder whether the rickety vehicle will survive a round trip.