

Performing Truth? Examining Transitional Justice Practice in West Africa

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Abstract: Transitional justice (TJ) institutions have spread rapidly around the world in recent decades. Scholars cite this trend as evidence of broad acceptance of norms of acknowledgment and remedy for human rights abuses. But this trend may also reflect norm instrumentalisation. TJ adoption may reflect *a desire to perform*, not *a substantive commitment* – a difference that may be discernible as early as the design stage, with implications for TJ institutions’ operations, outputs, and outcomes. We conceptualise a spectrum: At the lower end, *performance*, TJ institutions are poorly designed, under-resourced, and under-supported by governments; at the higher end, *substance*, they are well designed, adequately resourced, and supported by governments. To begin to disentangle performance and substance, we analyse data on institutional design from the *Varieties of Truth Commissions* Project and produce case studies of three West African commissions. We find evidence of performative TJ, with many commissions (re)producing, rather than combating, impunity.

Keywords: Truth Commissions; Norm Acceptance; Norm Instrumentalisation; West Africa; Quantitative Data; Case Studies

[a] Introduction

Transitional justice (TJ) institutions have spread rapidly around the world in recent decades.¹ Scholars cite this trend as evidence of broad acceptance of norms of acknowledgment and remedy for human rights abuses.² These scholars are not alone; practitioners agree. In 2016, the now-late, former Secretary-General of the United Nations (UN), Kofi Annan declared, ‘Truth seeking and reconciliation has now become *an accepted, if not universal, feature* of the architecture of post conflict peacebuilding’ and added as evidence of the fact, ‘The number of truth commissions has grown rapidly’.³

These perspectives are consistent with constructivist and world society perspectives on international politics: Actors form international regimes because of their shared beliefs, interests, and identities.⁴ From these regimes, practices are derived, transmitted, and implemented.⁵ In the context of TJ, the story is that state and non-state actors have developed, promoted, and delivered various mechanisms and measures (e.g., trials, truth commissions, reparations, and legal reforms) because, as members of an international community, they have a *shared interest* in TJ and a *shared belief* that it is ‘an essential partner’ to democracy, human rights, and peace.⁶ Accordingly, the international community expects TJ from states following political violence.⁷

But diffusion, or the spread of institutions, does not necessarily mean that underlying norms are broadly accepted. Regional, cultural, temporal, and other norm diffusion theories also do not

¹ Marcos Ancelovici and Jane Jenson, ‘Standardization for Transnational Diffusion: The Case of Truth Commissions and Conditional Cash Transfers’ (2013) 7 *International Political Sociology* 294; Kelebogile Zvobgo, ‘Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions’ (2020) 64 *International Studies Quarterly* 609.

² Norms are ‘standard[s] of appropriate behavior for actors with a given identity’. Martha Finnemore and Kathryn Sikkink, ‘International Norm Dynamics and Political Change’ (1998) 52 *International Organization* 891. On TJ’s spread, see: Michal Ben-Josef Hirsch, ‘Ideational Change and the Emergence of the International Norm of Truth and Reconciliation Commissions’ (2014) 20 *European Journal of International Relations* 810; Saskia Nauenberg, ‘Spreading the Truth: How Truth Commissions Address Human Rights Abuses in the World Society’ (2015) 30 *International Sociology* 654.

³ Emphasis added. Kofi Annan, ‘Truth Commissions and Peace Processes’ (*Kofi Annan Foundation*, 19 April 2016) <kofiannanfoundation.org/transitions-to-peace/truth-commissions> accessed 14 January 2026.

⁴ Alistair I. Johnston, ‘Treating International Institutions as Social Environments’ (2001) 45 *International Studies Quarterly* 487; Stephen D. Krasner, *International Regimes* (Cornell University Press 1983); Wayne Sandholtz, ‘Globalization and the Evolution of Rules,’ in Aseem Prakash and Jeffrey A. Hart (eds) *Globalization and Governance* (Routledge 1999).

⁵ Finnemore and Sikkink (n 2).

⁶ Annan (n 3); Nauenberg (n 2).

⁷ Naomi Roht-Arriaza, *The Pinochet Effect: Transitional Justice in the Age of Human Rights* (University of Pennsylvania Press 2006); Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (WW Norton & Company 2011).

explain precisely *what models of TJ* are spreading and whether they are actually good.⁸ We suggest that the spread of institutions can also mean that core norms are being instrumentalized, even co-opted.⁹ Institutional adoption may, therefore, reflect *a desire to perform* rather than *a substantive commitment* – a difference that may be discernible as early as the design stage, with implications for TJ institutions’ operations, outputs, and outcomes.¹⁰

We are not the first to propose that governments can exploit TJ norms for their own ends, nor are we the first to study trends in TJ design.¹¹ Neither are we the first to theorise that different drivers of TJ can yield different institutional designs and consequences. For instance, Gillooly, Solomon, and Zvobgo study how autocrats who face threats to their symbolic authority or survival respectively create self-investigating and rival-investigating commissions, to present themselves in a positive light and their opponents in a negative light.¹² But, to our knowledge, we are the first to make and evaluate the proposition that the impetus for TJ adoption, instrumental or normative, may produce two different general types of TJ, performative or substantive – with particular characteristics, results, and consequences.

For an example of performative TJ, consider Côte d’Ivoire. In the aftermath of the Ivorian Crisis, a period of violence related to the contested 2010–2011 presidential and parliamentary elections, President Alassane Ouattara adopted a truth commission, a national reparations program, prosecutions, and other measures. However, these measures were not designed to (nor did they) clarify the truth, repair harms, or tackle impunity for serious crimes. The commission sidelined

⁸ Adam Kochanski, ‘Mandating Truth: Patterns and Trends in Truth Commission Design’ (2020) 21 *Human Rights Review* 113; Kathryn Sikkink and Hun Joon Kim, ‘The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations’ (2013) 9 *Annual Review of Law and Social Science* 269.

⁹ Meredith Loken, Milli Lake and Kate Cronin-Furman, ‘Deploying Justice: Strategic Accountability for Wartime Sexual Violence’ (2018) 62 *International Studies Quarterly* 751; Carla Winston, ‘Truth Commissions as Tactical Concessions: The Curious Case of Idi Amin’ (2021) 25 *International Journal of Human Rights* 251; Shauna Gillooly, Daniel Solomon and Kelebogile Zvobgo, ‘Co-Opting Truth: Explaining Quasi-Judicial Institutions in Authoritarian Regimes’ (2024) 46 *Human Rights Quarterly* 67.

¹⁰ Throughout the text, we use the term ‘performance’ to mean a disingenuous act presented as genuine. We use the term ‘substance’ to mean a genuine act. Generally, instrumental reasons for implementing TJ result in performances, while normative reasons result in substance.

¹¹ On subversion of TJ norms, see: Cyanne E. Loyle and Christian Davenport, ‘Transitional Injustice: Subverting Justice in Transition and Postconflict Societies’ (2016) 15 *Journal of Human Rights* 126; Jelena Subotić, *Hijacked Justice: Dealing with the Past in the Balkans* (Cornell University Press 2009). On truth commission design, see: Kochanski (n 8); Franklin Oduro and Rosemary Nagy, ‘What’s in an Idea?: Truth Commission Policy Transfer in Ghana and Canada’ (2014) 13 *Journal of Human Rights* 85; Kelebogile Zvobgo, ‘Designing Truth: Facilitating Perpetrator Testimony at Truth Commissions’ (2019) 18 *Journal of Human Rights* 92.

¹² Gillooly, Solomon and Zvobgo (n 9).

victims' interests and produced little testimony.¹³ Moreover the commission's report, which the government heavily edited and published belatedly, did not establish essential facts like the nature and extent of abuses and the individuals and institutions most responsible.¹⁴ In addition, despite the government's promises, the vast majority of victims did not receive reparations.¹⁵ Analysts also charge that prosecutions disproportionately targeted Ouattara's political opponents.¹⁶

If TJ in Côte d'Ivoire was not intended (and in fact failed) to produce truth and justice, what was its purpose? We suggest that TJ measures in Côte d'Ivoire were intended to *give the appearance* of doing something while accomplishing very little; they were part of a performance aimed primarily at external actors who expected TJ.¹⁷

For an illustration of substantive TJ, take Ghana, which had a reasonably successful experience with several TJ modalities. In 2002, President John Kufuor established a truth commission in cooperation with domestic and international civil society groups, whose research shows are critical to a strong commission.¹⁸ Modelled after the truth commission in South Africa, the Ghanaian commission engaged thousands of witnesses.¹⁹ Victims' and perpetrators' accounts, and other evidence the commission compiled, were promptly published in a comprehensive report, without government interference. The report holistically addressed Ghana's struggle for self-determination, democracy, and human rights, and outlined a range of steps for the government to take to remedy past harms and protect against future harms.²⁰ Not long after the commission's

¹³ Research interview conducted by the first author with Anna Myriam Roccatello, Deputy Executive Director and Director of Programs at the International Center for Transitional Justice (ICTJ), in the spring of 2019.

¹⁴ Giulia Piccolino, 'Peacebuilding and Statebuilding in Post-2011 Côte d'Ivoire: A Victor's Peace?' (2018) 117 *African Affairs* 485; République de Côte d'Ivoire, *Rapport final de la Commission Dialogue, Vérité et Réconciliation* (République de Côte d'Ivoire 2016).

¹⁵ Based on interviews conducted by Human Rights Watch in Abidjan, Côte d'Ivoire. Human Rights Watch, "'To Consolidate This Peace of Ours': A Human Rights Agenda for Côte d'Ivoire" (*Human Rights Watch*, 8 December, 2015) <<https://www.hrw.org/report/2015/12/08/consolidate-peace-ours/human-rights-agenda-cote-divoire>> accessed 14 January 2026.

¹⁶ ICTJ, 'Côte d'Ivoire' (*ICTJ*) <<https://www.ictj.org/where-we-work/cote-d'ivoire>> accessed 14 January 2026; Briony Jones and Dit Fatogoma Adou Djané, 'Reading the 'Uncivil' in Civil Society Resistance to Transitional Justice in Côte d'Ivoire' (2018) 67 *Political Geography* 135.

¹⁷ ICTJ, 'ICTJ Experts Reflect on Côte d'Ivoire's Transitional Justice Process and the Legacy of Their Work' (*ICTJ*, 23 September 2020) <<https://www.ictj.org/latest-news/ictj-experts-reflect-cote-d'ivoire-s-transitional-justice-process-and-legacy-their-work>> accessed 14 January 2026.

¹⁸ Kelebogile Zvobgo, *Governing Truth: NGOs and the Politics of Transitional Justice* (Oxford University Press 2026).

¹⁹ Oduro and Nagy (n 11); Nahla Valji, 'Ghana's National Reconciliation Commission: A Comparative Assessment' (2006) September *International Center for Transitional Justice Occasional Paper Series* 1; Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (2 edn, Routledge 2011).

²⁰ United States Institute of Peace, 'Truth Commission: Ghana' (*United States Institute of Peace*, 2020) <usip.org/publications/2003/01/truth-commission-ghana> accessed 25 September 2020; Ghana Center for

conclusion, the Kufuor administration began awarding reparations, per the commission's recommendation. The government also accepted without reservation the commission's finding that the military bore the greatest responsibility for human rights violations during the four-decade period the commission studied.²¹ This finding prompted a series of institutional reforms.²²

So, we see TJ performance, in the vein of instrumental adaptation, in Côte d'Ivoire alongside TJ substance, in the vein of norm acceptance, in Ghana. But how prevalent is performative TJ, relative to substantive TJ? Prior research is unclear on this question.

A fundamental limitation of existing studies is their near-exclusive focus on *institutional adoption*. Generally, research neglects *institutional design* and its influence on the *operations*, *outputs*, and *outcomes* of TJ institutions. But, as Kochanski underscores, there is a 'spectrum of design options',²³ and the options decision-makers select can influence the extent to which a TJ institution provides acknowledgment and remedy.²⁴

We propose that a strong or weak architecture can be a powerful, albeit early, indicator of a government's underlying commitment to truth and justice.²⁵ To be sure, substance or performance, like a commission's success or failure, does not happen suddenly; there are bellwethers along the way. So as we study institutional design, we can begin to disentangle substance and performance across a range of contexts.²⁶

We conceptualise a spectrum: At the lower end, *performance*, TJ mechanisms are poorly designed, under-resourced, and under-supported by governments; at the higher end, *substance*, they are well designed, adequately resourced, and supported by governments. We leverage the institution of truth commissions to operationalise and evaluate performance and substance. We focus on commissions because they 'generally precede and often provide the foundation for

Democratic Development, *Never Again: Summary and Synthesis of the National Reconciliation Commission's Final Report* (Ghana Center for Democratic Development 2005).

²¹ Hayner (n 19) 51.

²² United States Institute of Peace (n 20).

²³ Kochanski (n 8) 115.

²⁴ Carsten Stahn, 'The Geometry of Transitional Justice: Choices of Institutional Design' (2005) *Leiden Journal of International Law* 425; Zvobgo (n 11).

²⁵ Zvobgo (n 1).

²⁶ Certainly, institutional design is not always a determining factor for the success or failure of TJ mechanisms; TJ tools can overcome limited powers and expectations. However, limited powers and expectations often have negative downstream effects for TJ institutions' operations, outputs, and outcomes. Based on research interviews conducted in by the first author between 2019 and 2021 with Eduardo González, former Director of the Truth and Memory Program at the ICTJ. See also: Gillooly, Solomon and Zvobgo (n 9); Zvobgo (n 18).

subsequent memorialization projects, trials, reparations, and institutional reforms'.²⁷ Concerning commissions, performance is characterized by a lack of (1) key investigative powers, (2) adequate funds, and (3) political will to uncover the truth. Meanwhile, substance is characterized by the availability of these forms of institutional support.

To weigh substance and performance, we study truth commissions in Africa, which is home to one-third of all commissions globally. Africa offers an extensive and useful laboratory to parse normative and instrumental rationales for TJ adoption and trace the relationship between institutional design, operations, outputs, and outcomes. In addition, three pathways for diffusion (geography, time, and cultural proximity) can be assessed. If there is anywhere that we can discern the extent to which TJ practices reflect concretely the norms from which they are derived, it should be in Africa.

We produce a medium-*N* descriptive analysis using quantitative data on truth commission design from the *Varieties of Truth Commissions* Project. We also produce comparative case studies of three commissions in West Africa, which is home to one-third of commissions in Africa. In Côte d'Ivoire, Ghana, and Togo, we more finely examine institutional design, address the resources invested in each country's truth process, and track each commission's work, results, and impacts.

Our data reveal noteworthy variation in the design and architecture of African truth commissions, even when we consider commissions in countries that are the most geographically proximate, that have shared histories, and whose TJ processes succeeded one another. Where the norm-diffusion-and-acceptance thesis would expect consistency and perhaps even improvements in design based on prior experiences among neighbours (whether geographic, temporal, or cultural), we find significant heterogeneity, even regress.

The case studies come next. We show that the Ghanaian commission, which preceded the Togolese and Ivorian commissions, had a wide material scope of inquiry, possessing the power to examine a range of abuses and to trace root causes, and had effective means to gather evidence, namely subpoena powers. The Ghanaian commission was also fairly well funded, and the government afforded it important political support. With this strong architecture, the commission wove a comprehensive narrative of historical violence and made a variety of recommendations for redress and reform that the government made strides to deliver on.

²⁷ Zvobgo (n 1) 611.

While the commissions in Togo and, later, Côte d'Ivoire also had a wide material scope, they lacked key evidence-gathering powers. This was *despite* having several strong models, including Ghana and South Africa. Instead of building on earlier experiences and successes on the African continent, Togo and Côte d'Ivoire effectively regressed from these models. Thus, from a design perspective, they were ill-equipped to uncover the truth. While lacking key investigative powers need not be ruinous, as commissions can overcome limited powers in some instances, the Togolese and Ivorian commissions produced inferior investigations. Exacerbating the commissions' weak structure was a lack of adequate material and political resources and a lack of serious follow-through.

Institutional heterogeneity in both the cross-national and case analyses suggests that while commissions have spread across Africa and around the world, key TJ norms have not always been accepted in concrete, identifiable, and measurable ways. Lacking a substantive commitment to truth and justice but desiring to send some positive signals to domestic and especially international audiences, many African governments have established commissions that are ill-prepared to construct a full account of past violence.²⁸ In turn, these commissions have failed to establish important historical facts, like the types and degrees of past violence, and the persons and powers most responsible. Consequently, many African commissions have helped to perpetuate, rather than combat, impunity. Therefore, enthusiasm about the continued spread of truth commissions and other TJ modalities in Africa and elsewhere should be met with greater circumspection.²⁹

The chapter proceeds as follows. In part two, we present our theory of substantive and performative TJ, and we lay out how each type produces distinct institutional designs, operations, outputs, and outcomes. In part three, we present our data and methods. Part four presents the medium-*N* quantitative analysis and the case studies. Part five discusses the implications of our findings, followed by the conclusion in part six.

²⁸ See Gabrielle Lynch, *Performances of Injustice: The Politics of Truth, Justice, and Reconciliation in Kenya* (Cambridge University Press 2018). It is worth noting, too, that most truth commissions in Africa have been adopted during periods of non-democratic rule. See Gillooly, Solomon and Zvobgo (n 9). The problem of performative TJ may also become more prevalent amid democratic erosion and decline globally. See Kelebogile Zvobgo and Francesca Parente, 'The Afterlives of Transgender Justice' (2025) 19 *International Journal of Transitional Justice* 1.

²⁹ David Mendeloff, 'Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?' (2004) 6 *International Studies Review* 355.

[a] Transitional Justice: Substance or Performance?

The theory and practice of TJ suggests a strong norm, based on the internationally-recognised rights of victims to truth, justice, reparations, and guarantees of non-repetition. Analysts suggest that the global spread of TJ indicates broad acceptance of norms of acknowledgment and remedy for human rights violations.³⁰ This is consistent constructivist and world society perspectives on global politics.³¹ Extant diffusion theories propose several mechanisms through which TJ norms have spread, and empirical studies present some of these patterns.

Several scholars have shown that there is spatial and temporal clustering of TJ institutions globally.³² To illustrate, between 1970 and 2018, twenty-seven truth commissions were established in Africa.³³ Of these, nearly half were created within a decade (1995–2005), suggesting learning and emulation among African nations, notably following the South African Truth and Reconciliation Commission (TRC).³⁴ Other scholars have explored diffusion among ‘cultural neighbours’ (i.e., countries with a shared language or religion) and found that countries are more likely to implement measures like trials and truth commissions when others like them have previously done so.³⁵ However, these descriptive and correlational studies are more suggestive than conclusive of norm acceptance.³⁶

To be clear, we do accept that there are global and regional TJ norms. The very fact that governments implement TJ, often at the urging of domestic and international civil society actors, is evidence of these norms.³⁷ However, the finer point we wish to make is that government responses are not equal. That a government acquiesces to pressures to adopt TJ mechanisms does not mean that it actually accepts TJ as a governing rule or that the government fulfils TJ’s object and purpose through those mechanisms. As Cronin-Furman explains, governments can deploy

³⁰ Sikkink and Kim (n 8); Hun Joon Kim, ‘Structural Determinants of Human Rights Prosecutions after Democratic Transition’ (2012) 49 *Journal of Peace Research* 305.

³¹ Finnemore and Sikkink (n 2); Johnston (n 4); Krasner (n 4); Sandholtz (n 4).

³² Sikkink and Kim (n 8); Nauenberg (n 2); Kochanski (n 8).

³³ Zvobgo (n 18) supplementary appendix A.

³⁴ Anne K. Krueger, ‘The Global Diffusion of Truth Commissions: An Integrative Approach to Diffusion as a Process of Collective Learning’ (2016) 45 *Theory and Society* 143; Hakeem O. Yusuf, ‘Travails of Truth: Achieving Justice for Victims of Impunity in Nigeria’ (2007) 2 *International Journal of Transitional Justice* 268.

³⁵ Kim (n 30). Take, as an example, countries in Central and South America and the TJ boom they experienced in the 1980s and 1990s.

³⁶ We note that the works cited do not make strong causal claims on the basis of their findings. We also note that the notion of cultural neighbors can be difficult to separate from geographic neighbors, for example in Central and South America, where most countries are predominantly Catholic and use Spanish as their official language.

³⁷ Zvobgo (n 18).

‘half measures’ to further their political interests – interests that do not necessarily serve truth and justice.³⁸ Certainly, those who perform *use the language* of substance, but they *do not deliver* on substance.

Prior research has addressed performance *during* TJ processes – from the typecasting of victims, perpetrators, and bystanders, to the delivery of witness testimony in court or at a truth commission, to ceremonies of public remembrance.³⁹ But little work considers performance *prior to* TJ processes. Yet the ‘show’ can – and, as we will demonstrate, does – start earlier. It can be embedded in the initiative for and the design of the process itself. As Lynch reflects, it is a ‘performance of a government’s capacity to investigate issues, take action and respond to the common good’.⁴⁰

Given the expectation that states provide TJ in the aftermath of political violence, governments seek to convey to domestic and especially international audiences that they can provide TJ, regardless of their commitment to its underlying norms. In this way, we can observe a high degree of institutional isomorphism across diverse political contexts. Yet governments’ gestures toward legitimate statehood may be more symbolic or ritualistic than they are practical or genuine.⁴¹

A tale of two TJs thus unfolds, with some governments making concrete investments in truth and justice while others do not. As we indicated earlier, a performative TJ process is marked by limited powers, inadequate financial resources, and minimal political support. It is a process that reinforces a ‘familiar performance’, where the most powerful advance their own interests and

³⁸ Kate Cronin-Furman, ‘Human Rights Half Measures: Avoiding Accountability in Postwar Sri Lanka’ (2020) 72 *World Politics* 121.

³⁹ Belinda Bozzoli, ‘Public Ritual and Private Transition: The Truth Commission in Alexandra Township, South Africa 1996’ (1998) 57 *African Studies* 167; Catherine Cole, *Performing South Africa’s Truth Commission: Stages of Transition* (Indiana University Press 2010); Yvette Hutchison, *South African Performance and Archives of Memory* (Manchester University Press 2013); Tim Kelsall, ‘Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone’ (2005) 27 *Human Rights Quarterly* 361.

⁴⁰ Lynch (n 28).

⁴¹ Wade M. Cole, ‘Sovereignty Relinquished? Explaining Commitment to the International Human Rights Covenants, 1966–1999’ (2005) 70 *American Sociological Review* 472; Emilie M. Hafner-Burton, Kiyoteru Tsutsui and John W. Meyer, ‘International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties’ (2008) 23 *International Sociology* 115; John W. Meyer, John Boli, George M. Thomas and Francisco O. Ramirez, ‘World Society and the Nation-State’ (1997) 103 *American Journal of Sociology* 144; Wayne Sandholtz, ‘Domestic Law and Human Rights Treaty Commitments: The Convention Against Torture’ (2017) 16 *Journal of Human Rights* 25.

maintain the status quo.⁴² In this hijacking or co-opting of TJ, a government commits to acting out the process but effectively rejects any changes that could challenge and possibly undo its power.⁴³

Performative TJ is, of course, not without risk. Using TJ tools as a smokescreen can backfire. Wiebelhaus-Brahm finds that governments that attempt to ‘exploit transitional justice norms to alleviate pressure for political liberalization and accountability for human rights violations’ may be forced to ‘reframe their depictions of the past’.⁴⁴ And, where their characterisation of past events is incomplete or inaccurate, governments may be criticised and sanctioned by domestic and international actors, civil society advocates included.⁴⁵

[b] Conceptualising Substance and Performance

We contend that TJ substance and performance can be detected as early as the institutional design stage, with implications for how TJ processes will be carried out and for their results and consequences. We conceptualise substantive and performative TJ by considering the presence (absence) of norms and expectations about institutional design. Of greatest concern to us are the powers that governments afford TJ institutions.

We take truth commissions as our point of entry and consider two types of commission powers: jurisdictional and operational. Jurisdictional powers refer to a commission’s material scope of inquiry, i.e., *what* it can investigate. Meanwhile, operational powers refer to a commission’s evidence-gathering methods, i.e., *how* it can conduct its investigation.⁴⁶ Commissions that have a wider material scope of inquiry and more effective evidence-gathering powers are better positioned than all others to produce an exhaustive historical record that establishes such facts as the nature and extent of past abuses, the individuals and communities who were harmed, and the individuals and institutions who are responsible.⁴⁷

⁴² The familiar performance is rooted in a country’s history, where the privileging of some groups’ interests over the interests of other groups began. In Africa, the setting of our coming analysis, the colonial past bleeds into the present, making it difficult to reimagine a political order that is not captured by powerful interests. Lynch (n 28). See also Hugo van der Merwe, ‘Conclusion: The Role of Local Civil Society in Shaping Transitional Justice in Africa,’ in Jasmina Brankovic and Hugo van der Merwe (eds) *Advocating Transitional Justice in Africa* (Springer 2018).

⁴³ Gillooly, Solomon and Zvobgo (n 9).

⁴⁴ Eric Wiebelhaus-Brahm, ‘Global Transitional Justice Norms and the Framing of Truth Commissions in the Absence of Transition’ (2021) 14 *Negotiation and Conflict Management Research*, 182.

⁴⁵ *ibid.*

⁴⁶ The term ‘investigative powers,’ then, encompasses both jurisdictional and the operational powers.

⁴⁷ Zvobgo (n 18) ch. 4.

The institutionalisation of norms around institutional design indicates their strength and their power.⁴⁸ Norms make clear what actors operating under a given regime should and should not do, and institutionalisation contributes ‘strongly to the possibility for a norm cascade’.⁴⁹ Studying how commissions are designed can thus help us better understand the extent to which their *use* matches the *norms* on which they are based.

Though there is excellent work on norm institutionalisation in the field of human rights, the institutionalisation of TJ norms has been neglected in many ways, especially the question of whether and to what degree TJ mechanisms are built on evidence-based, practice-refined international best standards.⁵⁰

[b] Operationalising Substance and Performance

To function and function well, commissions need both a strong ‘what’ – a mandate to investigate multiple types of violence and abuse – and a strong ‘how’ – tools to effectively collect and guard testimony and other material evidence.⁵¹ In terms of jurisdictional powers, we focus on two: a commission’s ability to study a range of abuses and trace their antecedents. Together, these powers establish a commission’s scope of inquiry, either wide or narrow. A wide material scope of inquiry is crucial to understanding historical violence.⁵² In terms of operational powers, we centre on two: a commission’s power to compel testimony and preserve evidence. These are a commission’s primary evidence-gathering powers, either present and effective or absent and ineffective.⁵³

We also consider the financial and political resources afforded commissions to do their work. Low resource allocation – regardless of the scope, tools, and methods of investigation –

⁴⁸ Michal Ben-Josef Hirsch and Jennifer M. Dixon, ‘Conceptualizing and Assessing Norm Strength in International Relations’ (2021) 27 *European Journal of International Relations* 521.

⁴⁹ Finnemore and Sikkink (n 2) 900. See also Wayne Sandholtz, ‘Dynamics of International Norm Change: Rules Against Wartime Plunder’ (2008) 14 *European Journal of International Relations* 101. Some scholars take a contrasting view, suggesting that institutionalization can weaken some norms, for example Sarah V. Percy, ‘Mercenaries: Strong Norm, Weak Law’ (2007) 61 *International Organization* 367. Yet others propose that institutionalization may reflect a strengthening norm, for instance Ben-Josef Hirsch and Dixon (n 48). See also Adam Bower, ‘Contesting the International Criminal Court: Bashir, Kenya, and the Status of the Nonimpunity Norm in World Politics’ (2019) 4 *Journal of Global Security Studies* 88.

⁵⁰ For notable exceptions, see: Ancelevici and Jenson (n 1); Ben-Josef Hirsch and Dixon (n 48); Carla Winston, ‘Words Count: Discourse and the Quantitative Analysis of International Norms’ (2020) 19 *Journal of Human Rights* 138.

⁵¹ Eduardo González, *Drafting a Truth Commission Mandate: A Practical Tool* (International Center for Transitional Justice 2013); Eduardo González and Howard Varney, *Truth Seeking: Elements of Creating An Effective Truth Commission* (Amnesty Commission of the Ministry of Justice of Brazil 2013).

⁵² Zvobgo (n 1) 619; See also: González (n 50); Zvobgo (n 18) ch. 4.

⁵³ Zvobgo (n 1) 620. See also: González and Howard Varney (n 50).

suggests that a government is more interested in institutional formalisms. By contrast, high resource allocation indicates that a government is serious about institutional efficacy.⁵⁴

[a] Data and Methods

For the first part of the analysis, we produce a medium-*N* descriptive analysis using quantitative data on truth commission design from the *Varieties of Truth Commissions*, which contains data on the universe of commissions from 1970 to 2018.⁵⁵ Twenty-seven of the eighty-four commissions captured in the data were established in Africa.⁵⁶ To be included, each commission had to meet five conditions, per Hayner: (1) be a temporary body (2) formed by a national government to (3) research events in the past and (4) determine a pattern of harm, in part by (5) engaging affected communities.⁵⁷

As Figure 8.1 shows, virtually every African country that had a truth commission shares a border with another country that had a commission, making this an especially useful environment to parse substance and performance. As Figure 8.2 shows, West Africa is a commission-dense region, claiming nine of the twenty-seven commissions in Africa.

Figure 8.1 African Truth Commissions

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Source: Created by the authors using data from the *Varieties of Truth Commissions*

⁵⁴ Some scholars suggest that weakness in truth-seeking practice may stem from a weak normative basis for victims' right to truth. Here, theorists draw a distinction between claims based on the morality of truth seeking and claims based on the written law. In essence, the proliferation of the norm of acknowledgment and remedy may relate more to moral claims than legal claims, with the former being weaker than the latter. Regardless, we can differentiate performance and substance once governments have decided to establish truth-seeking mechanisms. For a discussion on the pursuit of *terra firma* for the right to truth, see Tafadzwa Christmas, 'Rethinking the Iconography of the South African Truth and Reconciliation Commission (TRC) An Analysis of the TRC's Influence in Shaping Truth-Seeking Policy and Practice in Africa Today' (this volume). On the strength of moral and political claims versus legal claims in international relations, see Kyle Rapp, 'Law and Contestation in International Negotiations' (2020) 46 *Review of International Studies* 672.

⁵⁵ Zvobgo (n 1); Zvobgo (n 18).

⁵⁶ This list was compiled after consulting previous TJ data projects and conducting archival and internet-based research to expand the list of cases and stretch the timeline. We highlight the first and second editions of Hayner's *Unspeakable Truths*, Kathryn Sikkink, Geoff Dancy, and collaborators' Transitional Justice Research Collaborative, Leigh Payne and collaborators' Transitional Justice Database Project, and Monika Nalepa's Global Transitional Justice Dataset.

⁵⁷ Hayner (n 19) 11–12.

Figure 8.2 West African Truth Commissions

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Source: Created by the authors using data from the *Varieties of Truth Commissions*

In addition to helping us describe the universe of cases, the *Varieties of Truth Commissions* allows us to describe the presence (absence) of key investigative powers, namely the power to (1) study a range of abuses, (2) identify root causes, (3) compel testimony, and (4) preserve evidence. We use four binary variables to capture each of these.

Range of abuses takes a value of 1 if a commission possessed the power to study many types of abuses, for instance not only killings but also other physical integrity rights violations; otherwise, 0. *Trace antecedents* takes a value of 1 if a commission had the power to study the factors contributing to abuses, for example economic inequality; otherwise, 0. *Subpoena* takes a value of 1 if a commission enjoyed the power to compel testimony and other evidence; otherwise, 0. *Preserve evidence* takes a value of 1 if a commission had the power to preserve forensic and other evidence; otherwise, 0.

In the second part of the analysis, we present comparative case studies of truth commissions in Côte d'Ivoire, Ghana, and Togo. A structured comparison of three West African countries helps us hold constant some potentially confounding variables like history, culture, and geography. Côte d'Ivoire, Ghana, and Togo were among the first wave of independent countries in Africa in the twentieth century. Ghana gained its independence from the United Kingdom in 1957, and Cote d'Ivoire and Togo gained their independence from France in 1960. The countries also share histories. For instance, part of the territory of modern-day Ghana was previously part of historical Togoland. In addition, the three countries are close neighbours: Cote d'Ivoire is to the west of Ghana and Togo is to the east. They are also cultural neighbours: Côte d'Ivoire and Togo are French-speaking countries with sizeable Christian and Muslim populations (34% and 43% of the total population, respectively, for Côte d'Ivoire, and 42% and 14%, respectively, for Togo). English-speaking Ghana has a much larger Christian population, approximately 71%, with a Muslim population of approximately 20%.⁵⁸

⁵⁸ Central Intelligence Agency, 'The World Factbook' (*Central Intelligence Agency*) <<https://www.cia.gov/the-world-factbook/>> accessed 14 January 2026.

For the analysis, we rely on government documents, reports by civil society organisations, truth commission publications, and the secondary literature. Using different data types helps us triangulate evidence in favour of either truth commission substance or performance.

[a] Performing Truth?

We begin with an all-Africa analysis of powers that are important for a robust investigation. In terms of jurisdictional powers, twenty African truth commissions were empowered to examine multiple human rights abuses and seventeen were empowered to determine root causes. In terms of operational powers, nine enjoyed subpoena powers and eleven enjoyed the power to preserve evidence.⁵⁹

Focusing on West Africa, all nine commissions in the region were empowered to examine multiple abuses and all but one – Burkina Faso (1999) – were empowered to determine root causes. Despite similarities in jurisdictional powers in the sub-region, operational powers differed considerably. Five commissions – Nigeria (1999), Ghana (2002), Sierra Leone (2002), Liberia, (2006), and The Gambia (2018) – enjoyed subpoena powers, and four – Nigeria, Sierra Leone, Liberia, and The Gambia – had the power to preserve evidence. Taken together, the data show significant heterogeneity in truth commission designs throughout Africa and across West Africa.

To foreground the three-country analysis, we find that while Ghana could have fully replicated prior models, notably Nigeria (a sub-regional neighbour with a shared history) and South Africa, it failed to do so; the Ghanaian commission lacked the power to preserve the evidence it collected, a potential obstacle for an independent inquiry. Nonetheless, the commission had a strong setup that supported a relatively strong process. Togo and Côte d’Ivoire regressed, lacking the ability to compel testimony. Together with other operational deficits – in particular, little funding, weak leadership, and low government support – their structures did not prepare them to uncover the truth.

⁵⁹ We were unable to locate mandate documents for the two commissions in Zambia. So, we only have data on commission powers for twenty-five of the twenty-seven cases.

[b] Ghana

[c] Historical Background

Great Britain established the Gold Coast Colony in 1874, expropriating indigenous Wagadou lands, territory in the modern state of Ghana, and extracting resources, especially gold. Over the next half-century, Britain expanded its dominion to encompass previously unconquered lands, including those of the Asante and the western part of Togoland. Britain ruled the Gold Coast Colony indirectly, co-opting and delegating power to colonial governors, traditional chiefs, and private companies. Though intended to secure long-term British control, this devolution of power precipitated the colony's demise.⁶⁰

In 1951, revolutionary leader Kwame Nkrumah and the Convention People's Party (CPP), running on the 'Self-government Now' campaign, won a majority of the available seats in the colony's legislative assembly. Nkrumah was elevated to Prime Minister of the Gold Coast in 1952 and, five years later, in 1957, became Prime Minister of an independent, though not-fully-sovereign, Ghana. Finally, in 1960, Ghana became a republic, with a single-party system steered by Nkrumah and the CPP.⁶¹

Nkrumah's rule was short-lived, however. While he was on a diplomatic visit to China in 1966, the military replaced him with Lieutenant General Joseph A. Ankrah. Successive coups produced a new 'supreme' government in 1981, led by Jerry Rawlings. Over the following two decades, Ghana slowly democratised but failed to address historical and ongoing human rights abuses. This changed in 2000, when John Kofi Agyekum Kufuor was elected president. Once in office, Kufuor established a body to 'reconcile the nation'.⁶²

[c] Truth Commission Background and Design

The Ghanaian National Reconciliation Commission (NRC) was charged with investigating human rights abuses perpetrated by public institutions and public officeholders during periods of

⁶⁰ Amy McKenna, *The History of Western Africa, 1st ed.* (Britannica Educational Publishing in association with Rosen Educational Services 2010), 123–25.

⁶¹ *ibid* 129–31.

⁶² Naunihal Singh, *Seizing Power: The Strategic Logic of Military Coups* (Johns Hopkins University Press 2014).

unconstitutional rule, from 1957 to 1993.⁶³ The commission undertook its investigation from 2002 to 2004, under the chairmanship of former Chief Justice Kwaku Etrew ‘K.E.’ Amua-Sekyi, with eight other commissioners appointed by Kufuor in consultation with the Council of State, a non-partisan presidential advisory body.⁶⁴ While instructed to differentiate abuses under civilian government and military rule, the commission ultimately considered written and oral statements on *all* violence within the mandate period.

The Ghanaian government had just two commissions in the West Africa region after which it could model its commission: Burkina Faso and Nigeria, the former a French-speaking, Muslim-majority country, and the latter an English-speaking country with a close-to-even split between Christians and Muslims.⁶⁵ Both commissions were assigned to uncover a range of abuses, but only the Nigerian commission was charged with tracing root causes. The Ghanaian commission was tasked *both* with investigating multiple types of violations, specifically ‘killings, abductions, disappearances, detentions, torture, ill-treatment and seizure of properties’, and identifying ‘the causes and circumstances under which the violations and abuses occurred’.⁶⁶ This wide material scope of inquiry offers suggestive evidence of TJ norm diffusion and acceptance in Ghana and truth commission substance.

The Ghanaian commission also enjoyed subpoena powers like the Nigerian commission before it; however, unlike its predecessor, it lacked explicit powers to preserve the evidence that it collected. Nonetheless, the commission’s overall powers, ‘the standard of proof adopted, the elaborate information management process, and the internal control mechanisms’⁶⁷ set it up for a serious investigation. Building on regional and sub-regional precedents, the government signalled its substantive interest in and commitment to TJ.

[c] Truth Commission Operations, Outputs, and Outcomes

The NRC’s strong founding legislation required it to establish a full historical record of human rights violations inflicted by public institutions and officials. It was further mandated to

⁶³ Ghana Center for Democratic Development (n 20).

⁶⁴ Ken Agyemang Attafuah, ‘An Overview of Ghana’s National Reconciliation Commissions and Its Relationship with Courts’ (2004) 15 *Criminal Law Forum*, 130.

⁶⁵ Central Intelligence Agency (n 58).

⁶⁶ Parliament of the Republic of Ghana *National Reconciliation Commission Act, Act 611* (Republic of Ghana, 2002).

⁶⁷ Robert Kwame Ameh, ‘Uncovering Truth: Ghana’s National Reconciliation Commission Excavation of Past Human Rights Abuses’ (2006) 9 *Contemporary Justice Review* 345.

recommend to the president certain measures to appease victims of human rights abuses and to prevent such abuses in the future. The commission investigated more than 4,000 cases and held numerous public hearings, garnering significant attention from the media and the public more generally.⁶⁸ It directly engaged more than 2,000 victims and dozens of perpetrators, including President Rawlings.⁶⁹ The commission operated for two years and published its multi-volume report shortly thereafter.⁷⁰

In its comprehensive concluding report, the NRC established the colonial roots of military and police abuse against civilians.⁷¹ Based on these facts and pursuant to its mandate to propose remedies and reforms, the commission recommended a holistic reparations program that encompassed apologies, memorials, and monetary compensation to victims, with the type and size determined by the harms suffered. The commission also recommended reforms within prisons, the police, and the military.⁷²

The commission was not perfect – no commission is. But it contributed to important policies and programs, like the reparations mentioned above, which the Kufuor administration implemented reasonably quickly. The government made thousands of reparations awards, totalling roughly US\$1.5 million.⁷³ The government later announced that it would have given more if it had more resources to give, to which analysts retorted that the government was not fully committed to reparations. The Kufuor administration also took steps, however modest, to reform the judiciary and tackle corruption among the military, police, prosecutors, and judges.⁷⁴

Overall, the Ghanaian commission reflected substance over performance. Because of its strong mandate and powers, it successfully brought together victims and perpetrators to share their experiences of violence and abuse, while creating a setting and an opportunity for reconciliation. The commission recorded and quickly disseminated the accounts, and provided a normative and policy framework for redress and reform. Qualified and vetted commission leaders and high-level government officials' cooperation and support were also valuable. They made a holistic approach

⁶⁸ Valji (n 19); United States Institute of Peace (n 20).

⁶⁹ *ibid*; Attafuah (n 64).

⁷⁰ Ghana Center for Democratic Development (n 20).

⁷¹ *ibid* 3.

⁷² *ibid* 11; United States Institute of Peace (n 20).

⁷³ Hayner (n 19) 51.

⁷⁴ United States Institute of Peace (n 20). The NRC has been criticized in some academic and practitioner circles for giving so much time and attention to the Rawlings administration. See, for example, Valji (n 19). But Rawlings did rule over Ghana for roughly two-thirds of the NRC's mandate period.

to TJ possible and helped the country consolidate democracy and improve respect for human rights.⁷⁵

[b] Togo

[c] Historical Background

Germany established the protectorate of Togoland in 1884, building on years of exploiting native labour on palm oil, rubber, cotton, and cacao plantations. During World War I, France and the United Kingdom invaded the territory and claimed it when German forces surrendered. The British took to the west and the French to the east, but later surrendered the territories to the trusteeship of the League of Nations and, after World War II, its successor, the UN. British Togoland was later subsumed under the Gold Coast, which became an independent nation in 1957, modern-day Ghana. Three years later, in 1960, French Togoland gained its independence, becoming contemporary Togo, with Sylvanus Olympio at the helm.⁷⁶

In the Olympio administration's early years, there was debate about whether to integrate Togolese personnel who had been demobilised from France's colonial armies into the national army. Olympio rejected the proposal, creating a rift between the government and the military. Credible death threats led him to seek sanctuary at the embassy of the United States. He never entered the embassy compound, however: Army sergeant and future president, Étienne Eyadéma Gnassingbé reportedly shot Olympio outside the embassy gates on January 13, 1963. The army then invited Olympio's rival, Nicolas Grunitzky to assume the presidency. Grunitzky crafted a new constitution and opened a parliament comprised mostly of non-commissioned military officers. Instability persisted.⁷⁷

Four years into the Grunitzky presidency, Eyadéma seized power and dissolved all political parties. Togo entered a vicious cycle of violence, all to protect the Eyadéma clan and its allies. The family operated like a mafia, dominating the country's business, government, and military sectors. Secure in his power, Eyadéma declared himself president in 1967. International criticism forced him to hold the country's first multiparty elections in 1993, which he won under dubious circumstances.

⁷⁵ Ameh (n 67).

⁷⁶ McKenna (n 60) 208–10.

⁷⁷ *ibid* 209–11.

In the lead-up to the 1998 elections, Eyadéma unleashed the army and militias on civilians to intimidate and demobilise opponents. Hundreds were killed and thousands were displaced or exiled. And, when it appeared that former-President Olympio's son, Gilchrist, would win, Eyadéma had the army seize ballot boxes, disband the electoral commission, expel international observers, and declare him the winner.⁷⁸

Mass demonstrations, strikes, and economic stagnation ensued. Nonetheless, Eyadéma's reign continued until his death in 2005. His son, Faure Gnassingbé, succeeded him, precipitating a year-long crisis resulting in hundreds dead. The second Eyadéma, unwilling to relinquish power but eager to end the crisis, tactically conceded to a Comprehensive Political Agreement in 2006.⁷⁹

[c] Truth Commission Background and Design

The Comprehensive Political Agreement provided for the Commission Vérité, Justice et Réconciliation (Truth, Justice and Reconciliation Commission, or CVJR) to investigate human rights abuses under both the elder Eyadéma's and younger Eyadéma's administrations, as well as the late pre- and early post-Independence period, a total of forty-seven years (1958–2005).⁸⁰ The commission conducted its work from 2009 to 2012, under the leadership of Catholic bishop Nicodème Barrigah-Benissan. Other commission leaders hailed from academia, civil society, and business. Traditional leaders were also involved.⁸¹

The commission was principally charged with investigating extrajudicial killings but was also empowered to study related violence. The commission was further empowered to trace antecedent causes. Thus, it had a wide material scope of inquiry – evidence suggestive of norm diffusion and acceptance in Togo and commission substance. However, the commission lacked both subpoena and evidence-preservation powers – evidence suggestive of instrumental adaptation and commission performance. Indeed, despite having many examples to emulate in this regard – including its immediate neighbour, Ghana, and its sub-regional neighbours, Liberia, Nigeria, and Sierra Leone, as well as other African states like South Africa – Togo failed to build on them.⁸²

⁷⁸ *ibid* 211.

⁷⁹ *ibid* 212.

⁸⁰ République Togolaise, *Décret Présidentiel, n° 2009-046/PR du 25 février 2009 portant création de la Commission Justice, Vérité et Réconciliation* (République Togolaise 2009).

⁸¹ Hayner (n 19) 71–72.

⁸² Kelebogile Zvobgo and Claire B. Crawford, 'Replication Data for: Performing Truth? Examining Transitional Justice Practice in West Africa' (2026) Harvard Dataverse, doi:10.7910/DVN/LZ1IEO.

By not affording the commission critical operational powers, the Togolese government did not design the most effective commission possible.⁸³

[c] Truth Commission Operations, Outputs, and Outcomes

Similar to the law establishing the Ghanaian NRC, the presidential decree that inaugurated the Togolese CVJR required it to examine all politically-related violence within its nearly five-decade mandate period, identify the individuals responsible, propose reparations for victims, recommend accountability measures for perpetrators, and lay out potential preventive measures such as institutional reforms.⁸⁴ Dissimilar to the Ghanaian case, however, commission officials in Togo were appointed under opaque, non-merit-based procedures. They were also granted complete immunity from prosecution in relation to any disclosure in the exercise of their functions, raising questions about their qualifications and integrity, and the president's commitment to the process.⁸⁵

In its three-year investigation, the commission managed to gather some 22,000 statements from across the country and diaspora. But only a fraction of these, roughly 500, were presented in public hearings.⁸⁶ The commission judged that hearing more testimonies would simply take too much time and require too many resources. Relatedly, there was a troubling lack of willingness to identify perpetrators and request their participation, and there was no possibility of compelling their testimony. Virtually all the public testimonies were delivered by survivors, victims' family members, and experts. Perpetrators' marginal participation limited the extent of the truth that could be recovered. Barrigah-Benissan, the commission chair, later expressed regret about this. He said that both he and many Togolese would have appreciated hearing perpetrators confess, apologise, and seek forgiveness.⁸⁷

The truth commission report drew the arc of modern Togolese history, connecting colonial-era violence to the present day and linking 'successive coups, terrorist attacks, detentions,

⁸³ République Togolaise, *Rapport final de la Commission Justice, Vérité et Réconciliation* (République Togolaise 2012).

⁸⁴ *ibid.*

⁸⁵ Jeremy Sarkin and Tetevi Davi, 'The Togolese Truth, Justice and Reconciliation Commission: Lessons for Transitional Justice Processes Elsewhere' (2017) 24 *Peace and Conflict Studies* 1.

⁸⁶ UN Office of the High Commissioner for Human Rights (OHCHR), 'Healing the Wounds of the Past for a Better Future in Togo' (OHCHR, 14 May 2012)

<<https://web.archive.org/web/20220621205254/https://www.ohchr.org/en/stories/2012/05/healing-wounds-past-better-future-togo>> accessed 15 January 2026.

⁸⁷ Sarkin and Davi (n 85).

disappearances, assassinations, and tensions between ethnic communities, orchestrated by militias backed by political actors’.⁸⁸ However, the report was less detailed in its findings and conclusions than previous commissions, a criticism that commission officials pre-emptively defended themselves against in the report, citing the narrow window of time that they had to work in and the modest resources that the government afforded them.⁸⁹ Beyond their findings, commissioners included among their recommendations respect for ethnic groups, judicial and electoral reforms, and personnel reforms in law enforcement and the military. Commissioners also proposed criminal investigations of suspected perpetrators and symbolic and material reparations to victims, including apologies and restitution of property.⁹⁰

While the commission did well, considering its limited powers and resources, it was hamstrung by the broader political environment, including the fact that most of the abuses in question occurred during the president’s father’s administration. What kind of truth could emerge from an investigation of a father by his son? In truth, it was a performance. Adding to this, Faure Gnassingbé was elected for a third time in 2015, which flew in the face of the commission’s recommendation to limit successive terms. This aided, rather than confronted, impunity for abuses during the Eyadéma governments. The government did establish a body to assist with implementing the CVJR’s recommendations, but it has accomplished little since – further evidence of performative TJ.⁹¹

[b] Côte d’Ivoire

[c] Historical Background

France established colonial rule over Côte d’Ivoire in 1893, exploiting native labour and natural resources. Over the next half-century, economic exploitation grew. Even as Ivorians fought on behalf of and died alongside the French in the World Wars, Ivorians did not enjoy their human rights at home. The colonial government routinely detained and, in some cases, deported so-called ‘dissidents’ and imposed heavy taxes.⁹²

⁸⁸ OHCHR (n 86)

⁸⁹ République Togolaise (n 83) pt. 3.

⁹⁰ République Togolaise (n 83) pt. 3.

⁹¹ Sarkin and Davi (n 85); Lonozou Kpanake and Etienne Mullet, ‘What Can Reasonably Be Expected from a Truth Commission?: A Togolese View’ (2011) 29 *Conflict Resolution Quarterly* 201.

⁹² McKenna (n 60) 108–9.

In 1944, Ivorian social leaders, Félix Houphouët-Boigny and Auguste Denise developed a plan to address land and labour exploitation, leading Ivorian planters to form the Syndicat Agricole Africain (African Agricultural Union, or SAA). The SAA's central goal was to secure better treatment for native farmers – a fight that it won. Building on this success, the SAA transformed into a political party, the Parti Démocratique de la Côte d'Ivoire (Democratic Party of Côte d'Ivoire, or PDCI), with Houphouët-Boigny as its leader. The French government attempted to co-opt the rising star and the movement he led, elevating him to the Paris-based Commission des Territoires d'Outre-Mer (Commission on Overseas Territories) and other positions, all the while repressing his confreres and sowing the seeds of future resentment, instability, and violence.⁹³

Côte d'Ivoire declared its independence in 1960, with Houphouët-Boigny as its first president. The nation enjoyed significant economic growth under free-enterprise policies. Nevertheless, the single-party system grew unpopular and, for Houphouët-Boigny, increasingly dangerous. He survived two coup attempts in 1963 and 1973, and was forced to hold the country's first multiparty elections in 1990.⁹⁴ Instead of a new era of peace and democratic governance, however, Ivorians witnessed more unrest, mutiny, and coups, and succumbed to a military government.

In 1999, the military brought General Robert Guéï out of retirement, installing him as president. One year later, in 2000, Guéï agreed to presidential and legislative elections. He also declared that he would not run – a pledge on which he later reneged. Guéï allowed only one opponent, Laurent Gbagbo, leaving off the ballot Alassane Ouattara, who had been Prime Minister under Houphouët-Boigny. The nation erupted into violence and hundreds died in the lead-up to the election, which Gbagbo won.

Civil unrest persisted after the election resulting in a full-fledged civil conflict that split the country between the Muslim-majority North and Christian-majority South. Peace talks proceeded in fits and starts. Finally, in 2007, a power-sharing agreement was negotiated in Ouagadougou, Burkina Faso. In the next electoral cycle in 2010, however, violence erupted as Gbagbo and Ouattara faced off again. This time, Ouattara won the election, but Gbagbo refused to vacate his

⁹³ *ibid.*

⁹⁴ Robert John Mundt, Jean L., Comhaire and Nancy Ellen Lawler, 'Côte d'Ivoire' (*Encyclopedia Britannica*, 13 Jan. 2026) <<https://www.britannica.com/place/Cote-dIvoire>> accessed 15 January 2026.

position, prompting yet more conflict. In 2011, Ouattara supporters captured Abidjan, the country's largest city, and installed him as president. The violence left 3,000 dead.⁹⁵

[c] Truth Commission Background and Design

Ouattara installed the Commission Dialogue, Vérité et Réconciliation (Dialogue, Truth and Reconciliation Commission, or CDVR) to investigate political violence, from 1990 to the Ivorian Crisis of 2010 and 2011. The commission conducted its work from 2011 to 2014, under the leadership of former Prime Minister Charles Konan Banny, religious leaders, and regional representatives.⁹⁶

Like the Ghanaian NRC and Togolese CVJR, the Ivorian CDVR was tasked with uncovering a broad range of violations, including torture, sexual violence, and extrajudicial killings, and to study root causes, notably tribalism, nepotism, and social inequality and exclusion.⁹⁷ The wide material scope of inquiry, which built on regional and sub-regional precedents, supplies evidence in favour of norm diffusion and acceptance and truth commission substance. However, like the Togolese commission, the Ivorian commission lacked subpoena powers and evidence-preservation powers.⁹⁸ Where Côte d'Ivoire could have built on its neighbours' strong designs, it failed to do so, suggesting instrumental adaptation and commission performance.

[c] Truth Commission Operations, Outputs, and Outcomes

As mentioned, the CDVR had a wide material scope of inquiry, tasked with researching a diversity of civil, political, economic, and social rights violations over a two-decade period. The commission was also charged with identifying and suggesting measures to combat inequality, discrimination, and injustice. Yet, as Amnesty International reported in 2013, the events in question were not clearly defined. Essentially, the commission was assigned to investigate *everything*. Lacking priorities for the investigation, commission leaders undertook a national consultation to discern

⁹⁵ Human Rights Watch, ““They Killed Them Like It Was Nothing”: The Need for Justice for Côte d'Ivoire's Post-Election Crimes” (*Human Rights Watch*, 5 October 2011) <<https://www.hrw.org/report/2011/10/05/they-killed-them-it-was-nothing/need-justice-cote-divoires-post-election-crimes>> accessed 15 January 2026.

⁹⁶ République de Côte d'Ivoire (n 14) 18–19.

⁹⁷ *ibid* 108.

⁹⁸ Zvobgo and Crawford (n 82).

what Ivorians wanted them to investigate. This process, which should have preceded the commission, consumed a good deal of the precious little time that commissioners had. The commissioners also lacked sufficient funds and so were forced to rely heavily on external funding. Analysts worried about what truth could possibly come out of such a process. Relatedly, there were concerns that, whatever the commission did find would not be made public. The commission report, the government had ordered, was to be delivered to the president, not shared directly with the people.⁹⁹

Victim participation in the CDVR was another notable point of contention. While commissions are intended to be restorative justice institutions centred on victims' experiences, the Ivorian commission was neither restorative nor victim-centred. In one of our research interviews, the Deputy Executive Director and Director of Programs at the International Center for Transitional Justice (ICTJ), Anna Myriam Roccatello reported that the commission was a waste of time and money; it did not seriously engage victims and did little to advance interpersonal and societal reconciliation. For this reason, the UN Independent Expert on the situation of human rights in Côte d'Ivoire, Doudou Diène called for an extension of the CDVR's mandate, admonishing:

Efforts at political dialogue and the national reconciliation process must not be tainted by tactical or electoral manoeuvring in a political context that neglects the higher interests of the Ivorian people. They must go hand in hand with the struggle against impunity, the promotion of equitable justice and the central importance that must be given to the situation of victims.¹⁰⁰

Regrettably, the Ouattara administration did not heed Diène's call. Bediako summarises, 'The effect has been continuing tension and a fragile peace'.¹⁰¹ The commission concluded its investigation and report in 2014, but it took the government more than two years to make it publicly available, prompting international criticism from a range of international actors, among them the ICTJ, Amnesty International, and Human Rights Watch, as well as domestic civil society

⁹⁹ Amnesty International, 'Côte d'Ivoire: The Victors' Law: The Human Rights Situation Two Years After the Post-Electoral Crisis' (*Amnesty International*, 26 February 2013) <<https://www.amnesty.org/en/documents/afr31/001/2013/en/>> accessed 15 January 2026.

¹⁰⁰ UN Human Rights Council, *A/HRC/25/73: Report of the Independent Expert on the situation of human rights in Côte d'Ivoire, Doudou Diène* (United Nations 2014).

¹⁰¹ Kofi Bediako, *The Politics of Transitional Justice in Côte d'Ivoire* (Master's diss., Liverpool Hope University 2016), ii.

groups.¹⁰² When the report was finally released in 2016, sections that were critical of Ouattara and his allies had been deleted.¹⁰³ Thus, only a partial and limited truth emerged. And, unsurprisingly, there has been little movement on the commission's recommendations.

The CDVR was not the only problematic or unsuccessful TJ mechanism established in Côte d'Ivoire. Reparations, prosecutions, and institutional reforms were few, far between, and unserious: Most would-be reparations beneficiaries never received them and Ouattara supporters and allies have enjoyed *de facto* immunity from prosecution, while some opponents and rivals have been prosecuted.¹⁰⁴ Moreover, past violence was not comprehensively addressed and no robust measures were put in place to prevent abuses in the future. Overall, TJ in Côte d'Ivoire was a grand performance that produced little by way of truth and justice.¹⁰⁵

[a] Discussion and Implications

Enthusiasm and optimism about TJ's potential to transform post-violence societies has waned in recent years, as TJ mechanisms have not delivered desired outcomes. Some variation in TJ mechanisms' success globally arises from variation in institutional design and operation and, indeed, the will and skill of those who create, implement, and oversee them. For this reason, we presented a rejoinder to the argument that the spread of TJ institutions means that relevant norms are being broadly accepted. We argued that differences in rationales for TJ, either normative or instrumental, produce two general types of TJ: substantive or performative.

The differences between substantive and performative TJ, which we showed through a descriptive analysis of quantitative data and three case studies, is not only conceptually, theoretically, and empirically important; it is also practically and normatively significant. If there is not consistency and improvement in the design of TJ institutions – particularly among geographically, culturally, and historically close countries – then we are unlikely to see consistency and improvement in these institutions' operations, outputs, and outcomes. Further, we may see (and indeed we have seen) unfortunate losses in terms of institutions' setup, activities, results, and

¹⁰² ICTJ (n 16); Amnesty International, *Report 2015/16 - Côte d'Ivoire* (Amnesty International 2016) <<https://www.refworld.org/reference/annualreport/amnesty/2016/en/109161>> accessed 15 January 2026; Human Rights Watch (n 15); Jones and Djané (n 16).

¹⁰³ République de Côte d'Ivoire (n 14); Piccolino (n 14).

¹⁰⁴ Jones and Djané (n 16).

¹⁰⁵ Daniel Lopes, *Note d'Analyse du GRI: La Commission Dialogue Vérité et Réconciliation en Côte d'Ivoire: la réconciliation n'a pas eu lieu* (Groupe de Recherche et d'Information sur la Paix et la Sécurité 2015).

consequences. So, rather than combat impunity and meet victims' rights to truth, justice, reparation, and non-repetition, TJ institutions may (re)produce impunity and contravene victims' rights. This is most likely to happen where mechanisms are poorly designed, under-resourced, and under-supported by governments, i.e., in contexts of performance rather than of substance. Thus, scholars, practitioners, and advocates must meet with circumspection the proliferation of TJ tools. Indeed, the spread of these tools without a commitment to the norms from which they are derived is no victory.

[a] Conclusion

The scholarly contribution of this chapter is three-fold. First, we made a conceptual contribution. Whereas scholars generally conceptualise performance as *events and acts within a TJ process*, for example victims and perpetrators giving their testimony in trials and at truth commissions, we presented performance as *the structure and motivating logic of some TJ institutions*. Accordingly, performance does not start with participants; instead, it begins with policy makers and institutional designers.

Second, we built on constructivist and world society perspectives on global governance in the context of TJ. Meyer and others cautioned more than twenty years ago that institutional isomorphism does not necessarily reflect shared beliefs and values.¹⁰⁶ We extended this insight by arguing that the sheer spread of TJ institutions does not in and of itself supply evidence of the broad acceptance of their underlying norms.

Third, we made a noteworthy empirical contribution. We produced a comprehensive study of truth commission institutional design in Africa, the region where we have observed the most commissions and where we may yet observe more. We provided an overview of commissions in the region and presented a sub-regional analysis of lesser-known commissions in West Africa, deepening our collective understanding of TJ in different parts of the world.

We found that the commissions in Ghana, Togo, and Côte d'Ivoire differed in terms of the investigative powers enumerated in their mandates and the material and political resources that policy makers vested in them. Consequently, the commissions varied in how they carried out their work, the facts they were able to uncover, and their impact on post-violence politics. Whereas the

¹⁰⁶ Meyer and others (n 41).

Ghanaian commission's design, operations, outputs, and outcomes reflected substance (i.e., they can be explained by norm acceptance), the Ivorian and Togolese commissions' setup, activities, results, and consequences reflected performance (i.e., they can be explained by norm instrumentalisation). Therefore, we should not assume norm acceptance from institutional adoption, and we must rigorously monitor and evaluate TJ processes to determine their consistency with international standards and expectations.

Future research should investigate how commissions of humble origins can nevertheless produce good work. While the impetus for and design of TJ institutions played a significant role in our analysis, they may not always be determining factors. TJ institutions can (and historically some have) overcome limited powers and expectations. Future research should also evaluate how far our concepts, theory, and general findings travel across countries and world regions, and how appropriate they are for analysing other TJ mechanisms.

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