



CONFERENCE OUTCOMES

Introduction

On 7 February 2018, the National Transitional Justice Working Group (NTJWG) convened a stakeholders conference in Harare to review the work around the National Peace and Reconciliation Commission (NPRC) among other transitional justice related issues. A total of 56 delegates representing 36 organisations drawn from all the ten provinces of the country participated in the conference. An evaluation process was done and a number of resolutions were passed. This communication is a summary of the issues raised and the action points on what now follows.

Background to the Conference

On 5 January 2018, the Government of Zimbabwe gazetted the National Peace and Reconciliation Commission Act (NPRC Act) operationalizing the NPRC. The NPRC welcomed the Act and announced that they would soon begin engagement. Following these developments, stakeholders asked the NTJWG to convene a consultative meeting to look into the latest developments. The conference was structured to respond to five essential questions. Which transitional justice questions are not getting attention? The legal infrastructure: Is the current legal infrastructure adequate to achieve healing? Evaluation: How has the process progressed so far? Public Participation: What can be done to inspire public confidence and activate maximum participation? What's next for the NPRC and the stakeholders?

Conference Outcomes

A detailed report of the conference will be released soon. Here we summarise the outcomes of the deliberations.

Transitional Justice Questions

1. The conference noted that 'Operation Restore Legacy,' its execution, short and long term effects, raises new transitional justice questions which require national attention within the framework of the ongoing national peace and reconciliation process and the broad transformation of the state.

2. The 'let bygones be bygones' mantra does not reflect a progressive and victim-centred approach to transitional justice and conflict transformation. If any, such statements should not come from government but from the victims.

3. Following statements by the Executive about the role of the traditional leaders, the conference noted that Chiefs do not lead national healing as there is already constitutionally mandated to perform that task. Even as stakeholders only, there is no justification for them to be given special preference ahead of other stakeholders.

4. Stakeholders noted that they were still to meet with the NPRC and were not aware that the NPRC would be visiting their communities. They recommended that the commission takes time to make themselves known to the communities.

5. On periodisation, it was noted that the most preferred approach is an approach that does not leave any victims out of the process.

6. On territorial jurisdiction of the commission in addressing conflicts, it was noted that other victims have fled the country and there was need to ensure their participation. The conference noted that there are some people who are perpetual victims due to recurring conflicts and there was need to pay attention to such special cases by the NPRC,

7. The conference noted that the work on reconciliation did not start with the NPRC Act. Churches and civil society were already working on reconciliation way before the consummation of the NPRC and these actors must not be destroyed by the official process that has recently begun. While they engage the official process, they must not stop the good work they have been doing.

8. With the Chibondo exhumations in mind, the conference stated that if there are any exhumations, they must be done in line with the best practices and expertise.

9. The NPRC does not exist in a vacuum. The broad context must be taken into consideration. As stakeholders demand an inclusive transformative peace and reconciliation process, focus must also be directed at the broad structures of the state.



The Adequacy of the Legal Framework

1. In general, the conference noted that while there has been some progress in the law, there are many gaps. The NPRC Act must define the transitional justice agenda and explicitly ensure that the process is victim-centred by offering safeguards for the protection of victims.
2. The Committees of the Commission are not defined in the law which leaves it to the discretion of the Commission. Stakeholders noted that this was a weakness which may result in other aspects of the Commission's functions being left ignored or getting less attention.
3. The Act compromises the independence of the Commission and Commissioners by giving a lot of power to the Minister. Among other things, by allowing the Minister to issue a certificate that gives direction to the Commission. This amounts to

interfering with the operational independence of the Commission.

4. There is need for a transitional justice policy which goes beyond the NPRC Act and incorporates all government departments.
5. The non-availability of regulations creates a huge gap on operational modalities for the commission. The fact that the NPRC has already started work without the regulations is problematic.
6. Stakeholders noted that the Executive must appoint the Chairperson of the Commission before the Commission embarks on its consultations within the communities.
7. The law must adequately address the issue of how other reports of the NPRC, outside the defined reports, will be made available.

How is the process so far?

The meeting surveyed the delegates present on their appreciation of the NPRC and how it had performed its duties thus. The survey results show the opinion of delegates who attended the meeting and not the general attitude of all stakeholders. From a score of 'can improve' (the lowest) to the score of excellent (the highest), following are the highlights. 96% of the delegates at the meeting believe the legal framework has room for improvement. 80% of the delegates think that the NPRC could do better in terms of introducing themselves to the public. 74% of the delegates believe that the NPRC can do better in inspiring public confidence in the process. 60% of the delegates believe the commissioners can do better in showing that they do understand the subject matter of their work. 82% of the delegates believe that the NPRC can do better to ensure inclusivity in their work. Overall, 74% believe the NPRC can do better.

What can be done to inspire public confidence and activate maximum participation?

- a. Stakeholders present surveyed the environment around the country and previous experiences. It was noted that the safety of participants, victims and commissioners is of paramount concern and must be addressed before any outreach programme is set in motion. It was noted that in areas like Nyanga, the voter registration exercise had already started to expose some victims to revictimisation meaning that the yester year dangers still exist.
- b. The NPRC must develop clear regulations on public participation, incorporating regulations on media and information management, security of information, the support mechanisms for the welfare and dignity of the victims, and the careful management of diversity and inclusion. Practical measures must then be undertaken to create safe space for victims and perpetrators to engage with the process.
- c. There was consensus that the commission is not ready to go out and must do adequate preparatory work which include addressing the composition issue (appointment of the Chairperson), work on the regulations and start publicity and awareness raising so that by the time they step out, everyone knows who they are.
- d. The conference discussed the Principles of Engagement on Gukurahundi developed by the Reference Group on Gukurahundi and published by the Zimbabwe Council of Churches (ZCC). It was recommended that the principles be shared with the NPRC to assist in their engagement with communities affected by Gukurahundi.
- e. It was recommended that the Commission must prioritise work on the regulations and strive to ensure that they consult stakeholders in ensuring that they come out with good regulations.
- f. Stakeholders noted the temptations that come with the process like the national peace and reconciliation



process and encouraged each other to have principled engagement with the NPRC without compromising on principles especially on the dignity and safety of victims.

What's next for the NPRC and the stakeholders?

The following actions were agreed as the way forward.

- a. Recommendations that pertain to specific bodies like the NPRC are to be transmitted and communicated as soon as possible.
- b. Different thematic groups meet further to discuss proposals for guiding principles on specific areas like psycho-social support and victims welfare, media and communications, and diversity and inclusion, participation of women.
- c. A set of proposed principles be shared with all stakeholders beyond the conference delegation. With input from stakeholders, the Guiding Principles on Public Participation be shared with all relevant parties.
- d. Capacity building initiatives by selected thematic groups were proposed to ensure that the NPRC is ready for the rigours of public outreach and the complexities of working with victims.
- e. Stakeholders must commence developing alternative policy papers for improving the current legislative framework and expanding advocacy to address the need for a broad transitional justice policy beyond the NPRC.
- f. The NPRC must be encouraged to decentralise their activities, not just visit other provinces but actually open offices for them to be within reach.
- g. Stakeholders must amplify the work done in various localities e.g. Ibheshu Likazulu's work in Matebeleland. It is important to understand how various players have operated in this area.
- h. Community champions must be mobilised to counter those who seek to inspire fear in the process and encourage the public to participate in the process.
- i. Stakeholders must put together all information necessary for the benefit of the NPRC.

CONCLUSION

The resolutions of the conference represent the progressive spirit of stakeholders to ensure that the NPRC is successful in its mandate. For that to happen, the independence of the NPRC has to be continually defended and asserted. As we have previously said in our Minimum Standards for an Effective National Peace and Reconciliation Commission, we reiterate that the NPRC must ensure that expediency does not come at the expense of meaningful participation of all interested parties. The NPRC must refuse to be pushed by politicians to fight their political wars. It must remain focused to its agenda which goes beyond this election season and indeed beyond this generation.

'NEVER AGAIN'