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NPRC BRIEFING

Ensure Independent, Competent and Well-Resourced Secretariat for the NPRC

The National Peace and Reconciliation Commission (NPRC) is one of 5 independent commissions established by the Constitution of Zimbabwe to entrench a culture of human rights and democracy. Section 251 of the Constitution established the NPRC. Section 252 outlines the ten functions of the NPRC which include ensuring post-conflict justice, healing and reconciliation. (For more information about the NPRC, see “A Guide to Understanding the NPRC”, published by the NTJWG (2018). The guide is available on www.ntjwg.org.zw/nprc.html).

Section 234 of the Constitution gives the NPRC power to hire and fire their own Secretariat. This means that the Commission must develop: a recruitment policy, needs assessment and job descriptions; and, advertise and hire competent staff without being directed by anyone.

The Procedures

On 5 January 2018, the government promulgated the National Peace and Reconciliation Commission Act [10:32] (The Act). Section 14 of the Act provides that the Commission shall, in consultation with the Minister (responsible for national healing) and the Minister responsible for Finance, create the Commission’s staff establishment. This must not be understood to mean that the named Minister can influence who the NPRC can recruit as this would be a violation of section 234 of the Constitution and would severely compromise the NPRC. The named Ministers can only offer the necessary administrative support since this process is funded from treasury.

Sections which follow provide further detail about the establishment of the Commission’s staff.

The National Transitional Justice Working Group (NTJWG) views the Secretariat of the NPRC as central to the NPRC processes and key to the integrity of the NPRC itself. It is in this regard that we issue this briefing as the process of recruiting NPRC Secretariat has started. It is our hope that the views we share here will be well received by the NPRC as they can only benefit their work and the people of Zimbabwe.

The Recruitment Process So Far

On 14 June 2018, the United Nations Development Programme (UNDP) advertised for a recruitment firm to assist in the recruitment of the NPRC’s Executive Secretary. The Notice, PRC/ZWE/RFP/1874/6/14/2018 was featured on the UNDP website (http://procurement-notices.undp.org/view_notice.cfm?notice_id=47256). The bid was won by Industrial Psychology Consultants (IPS) a Harare based employment agency.

On 7 October 2018, IPS advertised the position of Executive Secretary for the NPRC in the Financial Gazette, a financial weekly publication, with a two week window. On 21 October 2018, the advert appeared in the Sunday Mail with the deadline extended to 26 October 2018.

On 30 October 2018, the NPRC announced through their twitter account that they had received the green light from Treasury to recruit 32 of its 103 staff before end of the year.

MINIMUM STANDARDS

In November 2014, NTJWG published the “Minimum Standards for an Effective National Peace and Reconciliation Commission”. In these Standards, NTJWG noted the question of will serve as the Secretariat of the NPRC is very critical. We noted that it is critical to ensure that the people who will serve in the Secretariat are not accused persons, potential suspects, witnesses, or individuals with a possible blemish in respect of past violations. The Minimum Standards further state that;

It will be a violation of the NPRC’s constitutional independence for any organ of the state or another body to try to influence who will serve the Secretariat of NPRC. It will also be a violation of the NPRC independence for the state to influence the remuneration policy for Commissioners and Secretariat. It will severely affect the integrity of the NPRC if persons associated with organisations reputed for violation of human rights find themselves in the secretariat of the NPRC. A rigorous vetting process must be undertaken during the hiring process.

We would never have said it any better today, than four years ago. The role of the Secretariat can never be overemphasised for it is the infrastructure that drives the work of the NPRC. Below, we identify three critical principles that can make or break the Secretariat of the NPRC.

Independence

The NPRC is burdened with the duty to exorcise the nation of the curse of violence. This includes dealing with very sensitive issues that may implicate some of our current leaders. The expectation or threshold of independence for NPRC is above that expected of any other body. This independence has been questioned

before and the NPRC has the duty to rise above these questions and show the nation that they are beyond the politics that may threaten their agenda. In a number of meetings with stakeholders, survivors of past violations have raised a case with the reality that the NPRC was originally located in the Office of the President at Club Chambers and being served by the Secretariat from the Office of the President and Cabinet, which formerly used to serve the Organ on National Healing Reconciliation and Integration (ONHRI). At a briefing meeting, the NPRC assured stakeholders that such an arrangement was only temporary and that the Commission was taking steps to establish itself, independent of Office of the President and Cabinet. The shadow of the Office of the President and Cabinet, which also houses the Central Intelligence Organisation (CIO) hangs over the work of the NPRC. As the NPRC takes steps to establish its independent offices and Secretariat, this is the perfect opportunity to ensure that it rises beyond the suspicions and engages a truly independent Secretariat. In the Minimum Standards, we noted that persons associated with organisations reputed for violation of human rights must never be associated with the NPRC. Indeed, many survivors also do associate some government departments with gross violation of human rights. A thorough vetting process must be conducted on the prospective Secretariat to ensure that they possess the integrity necessary to maintain the independence of the NPRC.

ii. Competence

It is not sufficient to have a Secretariat that is independent when they lack the necessary skill. The Secretariat of the NPRC are expected to be the reservoir of the competence and skill required for the NPRC to succeed. The NPRC will rise and fall with the calibre of the people who will man their offices and interface with the survivors of past violations. The skill required may at many times be specialised, the skill necessary to enable the commission to build bridges among many conflictual parties, build relations with many wounded survivors. This is not the kind of work that anyone can do. In their search, the Commission must be determined to get the best possible talent available in the world, remembering that while there maybe opportunities for further capacity enhancement, time is not on their side.

iii. Resources

NTJWG stakeholders are entities that have and continue to be involved in the work of other Commissions. We are aware from experience that the world over, resource starvation is always a tool used by adversaries to try and influence negatively the work of the Commission. It is tragic that the Commission’s processes of recruitment have commenced at a time when the economy is in a meltdown. Poor remuneration may cost the Commission good talent. It thus becomes important the Commission be prepared to invest in its Secretariat in a manner that guarantees that it gets to attract the best talent that can get the job done. In that regard, NTJWG encourages development partners to assist the NPRC in this infant stage of its work with the necessary resources. Apart from treasury, the law allows the NPRC to get independent funding for its work.

Other Considerations

Beyond these three consideration highlighted in this briefing, many other factors may affect the quality of the Secretariat and the quality of its effectiveness. These include the location and accessibility of offices, decentralisation and other support mechanisms that link the Secretariat with other actors in the processes of healing and reconciliation. The Commission is encouraged to carefully consider every aspect of this process in order to achieve the best results.

CONCLUSION

The NPRC may be only serving the nation for a few years, but the impact of its work will certainly outlive this generation. This work must be carried out with love and compassion. It is a duty sacred to humanity as it is to the national consciousness of who we are as a people. NTJWG can only wish the NPRC the best of success as it undertakes this process. We remain present, and ready to assist when called upon and always giving honest feedback. We encourage the people of Zimbabwe to embrace this process sincerely as the nation continues to forge its path to sustainable peace under the leadership of the NPRC.