



ABOUT THIS BRIEFING

Congratulatory Message

Against this background, the NTJWG congratulated the Commission for commencing its work which seeks to promote national healing, reconciliation and integration in the country. The NTJWG also congratulated the Commission on the appointment of Justice S.M Nare as the Chairperson of the Commission. This is a step which stakeholders have called for to ensure that the Commission is adequately capacitated to carry out its work with a full complementation of Commissioners. The NTJWG extended its friendship and noted that it hoped to continue work of supporting the Commission in ensuring that it is effective in dispensing its constitutional mandate.

ISSUES PRESENTED

Recommendations from the Conference:

From a number of issues raised by Stakeholders, the following recommendations require the attention of the NPRC as it relates to the healing process in Zimbabwe:

- 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

This briefing was presented to the National Peace and Reconciliation Commission on 15 March, 2018. The briefing draws from the monitoring work done by NTJWG and the views obtained by NTJWG from stakeholders who are concerned with the national peace and reconciliation process in Zimbabwe. Of great significance is the Stakeholders' 'What Next' Conference held on 7 February, 2018 where stakeholders deliberated on the process and made a number of recommendations regarding the process. The Conference further recommended the capacitating of community-based organisations to enable them to monitor the process themselves and give feedback. This is done through a network of Stakeholder organisations with peace monitors across the country. The reports of the monitors have been received and incorporated into this report. Furthermore, NTJWG has been doing media and environmental scanning, taking note of all matter relevant to the Commission. We believe these reports will assist you in improving the programme and delivering on your mandate.

and survivors. This has been raised with the authors of such statements. The NPRC is encouraged to distance itself from the 'let bygones be bygones' mantra.

- On periodisation, it was noted that the most preferred approach is an approach that does not leave any victims out of the process (leave no one behind). NTJWG notes that the Commission has already made pronouncements on this matter and this is welcome.
- The Stakeholders encouraged greater publicity about the Commission and its mandate. We note that the majority of the people who attended the consultative meetings were unaware of the Commission's mandate leading to some misunderstandings. NTJWG has done some work in this area and remains committed to do more. We however encourage that it is better for the Commission to take a lead role as the Constitutional body in charge of the process.
- The Conference noted with concern the state of preparedness for the Commission before the outreach meetings. There is only one chance to make a good first impression. The Commission is in an attempt to win the confidence of the people. Rushing into processes without adequate preparation can only make things worse. Four points that summarise what would otherwise be areas of concern regarding preparedness.

- **Composition of the Commission:** The Commission needed to be fully composed in a manner that satisfies the demands of section 251 (1) (a). By now we appreciate that this matter has been resolved but not without consequences.

- **Regulations:** The Commission needs to have regulations in place before outreach as the regulations are critical even for laying down the principles for public engagement. They give legal force to the day to day running of the Commission.



- **Secretariat:** Stakeholders really took concern with the realisation that the Commission seemed to be pushed to get into the field without competent Secretariat which is an essential component according to the Minimum Standards. As a result, there seemed to be some make-shift arrangement where other stakeholders would act as Secretariat here and there. This creates legal and logistical challenges, and may worsen the crisis of confidence.

- **Infrastructure:** Stakeholders took note that the Commission does not even have offices and equipment to undertake its work. This is made worse by the fact that there is not transparency about the allocation of finances to the commission by the executive. Some stakeholders approached NTJWG requesting for direction to the offices of the Commission. With all due respect, it was difficult for NTJWG to direct victims to the President's Office to meet the Commission.

- The three outstanding points are critical and need to be addressed to ensure that the Commission is ready for the great task ahead. We know the Commission is not solely responsible for some of these and we have already registered these concerns with the relevant offices.

The Adequacy of the Legal Framework

• 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 and healing of victims. Healing is not only an outcome of the process but part of the process.

• Stakeholders noted they were still unhappy with the law as it is because it still gives the executive a lot of space to interfere with the operational independence of the Commission. We wish to alert you that we will soon commence an advocacy programme to reform some aspects of the Act so that greater independence is given to the Commission.

• Stakeholders noted of the need for a transitional justice policy which goes beyond the NPRC Act and incorporates all Government departments. This will provide an inclusive and far-reaching transitional justice intervention strategy. This is necessary at least to ensure that

your work is supported and that your recommendations are implemented.

Recommendations with regards the Provincial Reports

From these reports, the following were recommendations presented to the NPRC to address or avoid similar challenges:

a). Secretariat and Infrastructure are outstanding - These will resolve most of the issues noted.

b). The Commission has to take charge - While support from other actors is important, the NPRC must not be seen to be outsourcing its mandate to these actors. It must be in full control of the process. A competent Secretariat will address the issue of the Commission seemingly outsourcing its mandate. Additionally, Commissioners need to show confidence and be in control of the process. However, use of state apparatus like the police must be avoided as there is a history of the police being perpetrators of violence. Local elders can be a useful resource in maintaining order.

c). Channels of Communication - Many people approached NTJWG registering that they were not able to participate in the meetings for security reasons but would want to visit the NPRC and make presentations. It is important that the NPRC opens its lines of communication for such persons.

d). Political Interference - The NPRC must make a strong statement against political interference in its work. 'Sloganeering' must not be tolerated and the NPRC must be seen to be independent of political forces bent on disturbing the process. This is not to say that politicians have no access to the Commission, but rather they are equal to everyone.

e). Distancing the Commission from Government - The Commission often carries the stigma that they are part of Government. While the Commission is an official process, it must actively distance itself from the Government and assert its impartiality and independence.

f). Encouraging Participation - NTJWG Stakeholders have proposed a raft of measures to maximise participation. These are being compiled into the 'Guiding Principles for Public Participation.' We look forward to sharing these with the Commission as we believe these will address some of the challenges being faced.

g). Support Structures for the NPRC: The NPRC needs to put in place support structures to assist in enhancing the wellness of Commissioners as a group and as individuals. The Commissioners have the task to carry the unfair burden of the whole country. It is necessary to put in place measure to help the Commissioners. NTJWG Stakeholders are available to convene a reflective session with the trauma healer's actors operating around the country.

Conclusion

We are truly grateful to have had the opportunity to share this with the Commission. As the NPRC prepares for the national convergence and other processes, we can only wish them the greatest of success and assure them of our support. We are open to dialogue and sharing with the Commission insights that we pick from the process. NTJWG remains committed to ensure the success of Zimbabwe's reconciliation process through consistent engagement with the NPRC.

RESPONSES OF THE NATIONAL PEACE AND RECONCILIATION COMMISSION (NPRC)

General Remarks

The meeting was chaired by the NPRC Chairperson Justice S. M Nare. He was in the company of the Deputy Chairperson Commissioner Lilian Chigwedere, Commissioners Chada, Chekenyere, Ndoro and Ncube. The Commissioners acknowledged the work of the NTJWG during the NPRC's turbulent transition from dormant to an active commission. The main highlight is when NTJWG Chairperson A. Muchadehama participated in a radio interview where the Commission was represented and helped in clarifying some elusive legal issues.



On Recommendations from the 'What's Next Conference':

- The Commission dissociated itself from the 'let bygones be bygones mantra' and noted that they had communicated that message to the relevant offices and hoped that mantra would not be heard again.
- On periodisation, the Commission emphasised that they will follow the views of the victims. In addition, they had completed a comprehensive conflict mapping exercise stretching as far back as the Mapungubwe era so that the Commission is privy to all the period of violence Zimbabwe has gone through. The Commission buttressed this point by explaining that there are 2 schools of thought which have emerged in terms of how far back institution should go back. First, there are people who think that it is pragmatic that the Commission deal with violence that occurred in post-independent Zimbabwe given the limited time the Commission has before its mandate elapses. The other proposition is that the Commission should go as far back as possible so that no issue is swept under the carpet. The Commission committed to engage the victims so that they determine how far back the Commission should go.
- On publicity, the Commission pointed out that they have drafted a media and communications strategy among other policy documents. As such this was work in progress.

On the State of Preparedness:

a). On the Composition

This is water under the bridge. The Commission is now fully composed. The Deputy Chairperson thanked NTJWG for the congratulatory message. The Chairperson thanked the Minister of Religion for their prayers and support as he learns the ropes. However, the Executive Secretary, internal and external committees need to be brought on board also.

b). Regulations

In terms of the regulations, the Commissioners disclosed that the regulations are ready. They prepared the draft which should be in Parliament any time. The regulations encompass most issues raised by the NTJWG. These address some of the legislative gaps. Beyond the regulations, the

Commission has worked on policies and procedures which are key to the Commission's programmes. The Commission was working on diversity and inclusion, together with the University of Zimbabwe which is assisting with brail material.

c). Secretariat

In terms of the infrastructure and resources, the Commission was making progress. The Commission gave assurance that they were not going to hire staff from government. With the help of UNDP, they would soon hire the Executive Secretary, followed by other staff.

d). Infrastructure

Concerning offices, the Commission noted that progress had been made to identify the offices and would soon vacate the temporary office to their new offices in a few days.



On the Provincial Consultative Meetings:

- The Commissioner went on to clarify that before the Provincial Consultative Meetings, engagements were done. The Commission reached out to Ministers, Traditional Leaders and politicians to commit to the process, but that did not mean they were taking over the process. The Commission said that when Stakeholders see us meeting with different people, they need to appreciate that 'we are trying to unlock something.'
- Commenting on the disruptions, the Commission noted that it is not easy for people to come from a deep seated history of trauma. It will be difficult but it is part of the process.
- The Commission noted that healing is a process. "You don't strike a match and the water boils."

On Partnership with Stakeholders

- The Commission noted that they value the relationship with Stakeholders as the 10 functions of the NPRC in the Constitution cannot be achieved by only one institution.
- The Commission encouraged stakeholders not only criticise, but to also proffer solutions.
- The Chairperson of the Commission noted that he took with great comfort the prayers and support of Stakeholders.



Concluding Remarks from NTJWG Members

- NTJWG assured the Commission that there are enormous resources for the Commission to take advantage of amongst the Stakeholders;
- It is important that attention is given to the wellness of the Commissioners as they get ready to carry a heavy burden and
- The Commission assured NTJWG that their doors will always be open and vice-versa.



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