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# **An Analysis of the Zimbabwean National Peace and Reconciliation Bill (NPRC Bill)**

By Heal Zimbabwe Trust

This paper is an analysis of the National Peace and Reconciliation Commission Bill that was gazetted by the Government of Zimbabwe on the 18<sup>th</sup> of December 2015 to give effect to sections 251, 252 and 253 of the Zimbabwean Constitution, Amendment Number 20.



# **An Analysis of the Zimbabwean National Peace and Reconciliation Bill (NPRC Bill) Gazetted on the 18<sup>th</sup> of December 2015.**

**Submitted by Heal Zimbabwe Trust**

## **Introduction**

The National Peace and Reconciliation Commission (NPRC) Bill was gazetted by the Government of Zimbabwe on the 18<sup>th</sup> of December 2015 to give effect to sections 251, 252 and 253 of the Zimbabwean Constitution, Amendment Number 20. The provisions provide for the establishment of the National Peace and Reconciliation Commission, an institution responsible for ensuring post conflict justice, healing and reconciliation. The NPRC is part of five Independent Commissions established, for a period of 10 years, to entrench human rights and democracy, uphold constitutionalism, transparency and accountability in the interest of the public<sup>1</sup>.

While the Government of Zimbabwe (GoZ) has supportively established the enabling legislation for the NPRC to commence its work, the Bill should; respect the supremacy of the constitution, abide by constitutional stipulations regarding the establishment and operation of Independent Commissions Section 232-237. It is also essential for the Bill to conform to international best practices and standards set out in the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Principles Relating to the Status of National Institutions for the Protection and Promotion of Human Rights (the Paris Principles)<sup>2</sup>. The latter convention, establishes principles that should be met by any National Human Rights Institution (NHRI) which include;

- a) Autonomy from the government
- b) Adequate powers of investigation
- c) Broad-based mandate on universal human rights standards
- d) Institutional independence guaranteed by a statute or constitution
- e) pluralism

It is within the above context that Heal Zimbabwe Trust considers the NPRC Bill an important step towards providing justice to the victims and survivors of past violations. The following is an analysis and recommendations aimed towards the improvement of the NPRC Bill. While this paper analyses a legal document, we try to explain our views and recommendations with a bias towards the victims and survivors of violence whose interests should be key to this Bill. HZT recommends an effective legislation that takes a victim centred approach while cognisant of diverse contributory factors that affects successful reconciliation processes such as “such as lack of consultation, inadequate reparations, inadequate preparations, setting high expectations, and lack of institutional follow up – to support the processes of the commission<sup>3</sup>

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<sup>1</sup> Constitution of Zimbabwe (Amendment No. 20) Section 232 -237

<sup>2</sup> United Nations (2010) National Human Rights Institutions: History, Principles, Roles and Responsibilities. United Nations, Geneva.

<sup>3</sup> Ndlovu-Gatsheni and Benyera Towards a Framework for Resolving the Justice and Reconciliation Questions in Zimbabwe

## Part I: Preliminary

The preliminary remarks introduce the purpose and interpretive definitions of the NPRC Bill. This is positive because the descriptive definitions guide the Commission and other entities responsible or bound by the Commission's enabling legislation or activities.

However, Section 2 of the Bill omits important informative definitions. Such definitions include;

- a) The definition of 'victim'
- b) The definition of 'perpetrator'
- c) The category of forms of serious violations that requires investigations such as –murder, abduction, forced disappearance, rape, aggravated sexual assault and those that only need mediation / reconciliation efforts.

Every legal mandate underpinning the establishment of Reconciliation Commission should establish types of violations to be investigated. The Peruvian Commission used the term “torture and other serious violations” to allow cases of sexual violations to be investigated as well without being explicitly noted in the Act<sup>4</sup>. The Kenyan *Truth, Justice and Reconciliation Commission Act*<sup>5</sup> and the Nepalese *Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act*, includes types of violations to be investigated. The Nepalese law include looting, possession damage or arson of private or public property as 'gross human rights violations' while the Kenyan law goes further to include crimes such as extermination, enslavement, deportation or forcible transfer of populations and genocide among other cases.

***Therefore, Heal Zimbabwe recommends that in addition to the available definitions, the Bill should also expand its definitional scope to integrate the types of violations to be investigated. This will help in shedding more clarity on the type of violations which the Commission will investigate/cover. Clarity on the definitions will also help in outlining key definitions that will be common to the work of the NPRC.***

## Part II: National Peace and Reconciliation Commission

*Commissions established to address past violations and facilitate healing need to be credible. Usually “Societies emerging from authoritarian rule may have become accustomed to ineffective or disingenuous official inquiries established to hide evidence of crimes.”<sup>6</sup> Therefore this credibility can be achieved by selecting members with high moral and professional standing, guarantee of independence and non-political interference as well as transparent investigative procedures.*

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<sup>4</sup> Truth and Reconciliation Commission of Peru (Comisión de la Verdad y Reconciliación), created by Supreme Decree N° 065-2001-PCM [Peru], June 4, 2001.

<sup>5</sup> Kenya: The Truth, Justice and Reconciliation Commission Act No. 6 of 2008, page 5.

<sup>6</sup> Eduardo González and Howard Varney, eds., *Truth Seeking: Elements of Creating an Effective Truth Commission*. (Brasília: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Centre for Transitional Justice) 2013.

*Involving local citizens to participate in the creation or establishment of a Commission<sup>7</sup> and having a well-established line of dialogue with civic society organisations will also be important.*

It is commendable that the Bill provides for the appointment of Commissioners and spells out circumstances under which a Commissioner may be removed from Office. It is interesting that the appointment of Commissioners also respect gender equality and balanced representation in the NPRC. In section 3(5) of the Bill, the independence and impartiality of the Commissioners as a crucial quality they should possess is reiterated in line with the Constitutional provisions. A provision for the assessment of the Performance of the Commission's Vice Chairperson and Commissioners through the Committee on Standing Rules and Orders is also contained in Section 3(7-8). While this is important for the purposes of improving the effectiveness of the Commission, it is not clear whether the President will be bound by the recommendations of the Committee on Standing Rules and Orders and the Judicial Services Commission regarding the continued stay in office of the Chairperson.

Of utmost importance to note is the fact that the Bill restates the independence of the NPRC in line with section 235 of the constitution which stipulates the appointment of Independent Constitutions. However, the powers of the Minister or his involvement in the activities of the NPRC suggest an unjustifiable defiance of the principle of independence.

### **3. National Peace and Reconciliation Commission**

While the Bill in section 3(1) limits the term of office of Commissioners to 5 years with eligibility of appointment for not more than one more term, lessons from other commissions indicate that Commissioners can be appointed for the entire duration of the Commission. The South Africa, *Promotion of National Unity and Reconciliation Act 34 of 1995*, provides for the appointment of Commissioners for the entire duration of the Commission. This is also the case with the Nepalese Truth and Reconciliation Commission. The Nepalese *Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act*, states that "the Chairperson and members of the Commission held their Offices until the dissolution of the Commission (2 year Commission).<sup>8</sup> However, in the case of the Solomon Island, the Commissioners' "terms and conditions of their appointments were prescribed by the Minister by regulation,"<sup>9</sup> hence it remained difficult to spell out their term of office. Besides allowing Commissioners to work for the duration of the Commission, the South African and Nepalese domestic laws provides for the resignation of the Commissioners.

***In view of the above observations, it is pertinent to consider options that make the NPRC Commission in Zimbabwe more credible and independent. Heal Zimbabwe suggests that in the Zimbabwean context Commissioners should be appointed for the duration of the Commission. Whilst at the same time allowing for the provision that requires any Commissioner to be removed from office in accordance with terms of section 237 of the Zimbabwean Constitution.***

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<sup>7</sup> Public International Law and Policy Group (2013) Truth and Reconciliation Commissions: Core Elements – Legal Memorandum. Public International Law and Policy Group

<sup>8</sup> The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014) Published (11 May 2014)

<sup>9</sup> National Parliament of Solomon Island (2008) Solomon Islands: The Truth and Reconciliation Commission Act of 2008.

*We also recommend for the insertion of a provision in the Bill that allow Commissioners to voluntarily resign (if they so wish). This provision will allow Commissioners to be comfortable to step down when conditions of service or interests change.*

## **6. Functions of the NPRC**

In section 6, the Bill establishes additional functions of the NPRC –addition to the functions stated in section 252 of the Zimbabwean Constitution. The additional functions provides for a wider mandate of the Commission including ancillary powers for efficient administrative processes. It is very positive that the Commission is awarded a responsibility to conduct research on conflict sources, causes and possible solutions to the identified conflicts. However, it is noteworthy that *the Bill does not affirm/reaffirm the functions of the NPRC* as stated in section 252 of the national constitution.

*Heal Zimbabwe, therefore, recommend that the Bill clearly state the functions of the Commission as enunciated in the Constitution (section 252) before introducing the additional functions. This will affirm the functions of the NPRC within the enabling legislation rather than giving reference to the constitution. Moreover, we recommend the inclusion of the functions relating to “seeking assistance from traditional and religious leaders to facilitate its public sessions and in resolving local conflicts arising from past violations or abuses or in support of healing and reconciliation.” This function will empower the Commission to utilise local resources and asserts to facilitate reconciliation processes. The Solomon Islands Reconciliation Act includes “engaging all stakeholders in the reconciliation process” as part of the Commission’s functions. It may also be vital for the Zimbabwean NPRC Bill to insert a somewhat similar provision so that the NPRC processes becomes inclusive –taking into consideration the work of non-state actors such as academia, civil society organisations, churches and the business community.*

## **Part III: Investigative Functions of the NPRC**

It is positive that the Bill confers investigative functions to the Commission. The commission’s success will be based on its powers to investigate past violations, powers to provide non-judicial remedy and the provision of recommendations for judicial recourse. However, the Bill does not explicitly indicate the powers of the commission. In addition, it imposes unreasonable limitations, through the interference of the Minister, to the manner in which investigations will be conducted. In our considered view as Heal Zimbabwe, we prioritise a situation whereby the - truth and reconciliation commission wield necessary powers to conduct effective and independent investigations. We further contend that the Zimbabwean NPRC should comply with procedures that protect the rights of victims and witnesses before, during and after investigations as observed elsewhere outside Zimbabwe by scholars on Truth Commissions such as the González and Varney.<sup>10</sup>

## **7. Investigative functions of the Commission**

Section 7 (1) provides that before launching an investigation, the Commission should publicly publish its intention, to conduct an investigation, in the government Gazette and the national newspapers.

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<sup>10</sup> Eduardo González and Howard Varney, eds., Truth Seeking: Elements of Creating an Effective Truth Commission. (Brasilia: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Centre for Transitional Justice) 2013.

The problem with advertising is that first it (i) alerts the perpetrator/offender (ii) secondly it encourages destruction of evidence (iii) thirdly it may lead to interference with witnesses, victim and even the targeted perpetrator. In our considered view, the purpose of advertising an investigation of a crime seems unreasonable. Taking a cue from other polities, Nepal for example, the Truth and Reconciliation Commission there was empowered to conduct investigations, search operations and seize objects or documents “without giving any notice”<sup>11</sup>, provided there is reasonable conviction that the documents contain evidence.

***Therefore, Heal Zimbabwe recommends that (i) no advertisements should be done prior to the commencement of investigations in order to protect evidence, protect the victims/complainant and the perpetrator. We also applaud the publication of public advertisements only after the completion of an investigation. This helps in promoting transparency and it contributes to the overall success of the Commission.***

Section 7(2) of the NPRC Bill provides a mechanism for citizens to lodge complains against government officers/authorities which is indeed commendable. It states that “*any person affected by conflict arising out of any action or omission on the part of an authority or person, may make a written complaint to the Commission requesting it to investigate such action or omission.”*

However, it is important to consider that the Bill explicitly indicates how complaints against public officials should be done. For instance, numerous victims might - have complaints against the police for instance. Previously, police officers in Zimbabwe have been accused of acting in a partisan manner and acting in the interests of known political parties. The Truth, Justice and Reconciliation Commission Act of Kenya empower the Commission to “summon any serving or retired public officer to appear in person before it, to produce a document or information considered relevant<sup>12</sup>.” On the other hand, the Nepalese Commission was empowered to recommend suspension of a public officer for three months pending investigations.

Notably, the phrase “written complaint” discriminates against those who cannot read and write or both. This means it is important to regulate how Commissioners will handle complaints against public officers.

***As HZT, we recommend that the Bill should explicitly outline what the complainants (victims) will do when lodging complaints against public officers and what the Commission will do to the accused public officials to commence investigations. Clarity in terms of procedure, it may also be important to signpost what the commission should do to public officers found guilty. With regards to the phrase “written complaint,” the Bill should allow written or oral submissions. This recommendation is made cognisant of the rural folks whose literacy skills could be limited.***

## **8. Manner of Conducting Investigations**

It is positive that Section 8 of the NPRC Bill grants the Commission power to issue summons, ask questions, request disclosure of any information and request the assistance of the police during an investigation. It also promotes confidentiality of information by regulating circumstances under

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<sup>11</sup> Ordinance on Investigation of Disappeared Persons, Truth and Reconciliation Commission: Section 14 (3 & 4).

<sup>12</sup> Kenya: The Truth, Justice and Reconciliation Commission Act No. 6 of 2008 page 12

which Commissioners can release information obtained from closed door hearings as well as protecting witnesses. In section 8(13), the Bill empowers the Commission to guarantee safe and impartial space for hearings and to protect witnesses from threats, victimisation, discouragement or dissuasion. However, it is of concern that the Bill, does not demonstrate how the NPRC will guarantee safety and protection, with the exception of prosecution or fine which is actually a result of victimisation, threat or otherwise.

To briefly comment on the *investigative powers of the commission* Section 8(1) of the Bill outlines the Commission's power as summoning persons, asking questions, compel disclosure of information and requesting assistance of the police. These powers, however, seems too insignificant for a viable Reconciliation Commission. It is important that these *Powers* be clearly articulated as a specified provision in the NPRC Bill. Other TRCs set up in South Africa, Peruvia, Nepal and Solomon Islands have clearly stipulated investigative powers outside the procedure of conducting investigations.

***As HZT, we therefore recommend that the NPRC Bill should insert a provision outlining the investigative powers of the Commission in addition to the provision outlining "The Manner of Conducting Investigations." Also, the Bill must demonstrate how the NPRC will guarantee the safety and protection of the witnesses and victims.***

However, section 8(7) of the Bill empowers the Minister to circumvent or prevent the (i) continuation of an investigation, (ii) disclosure of any evidence, documentation or (iii) any class of evidence specified by issuing a certificate. This certificate is issued on condition that the information or evidence may prejudice national security, external relations, defence or economic interests. This provision could possibly amount to interference with the objectivity of the commission. In Nepal, for example, the Truth Commission was given discretion to determine whether the information could be in the public interest or contrary to national security interests. In the case of Zimbabwe, it is important to underscore that the involvement of the Minister in determining what cannot be investigated could lead to a flawed truth seeking process. .

***Heal Zimbabwe; therefore, recommends that the Bill empowers Commissioners to determine the nature of information that should not be disclosed to the public. In addition, the Commission should be empowered to defy the Ministerial curtailment, where it thinks that the curtailment is against the principles of social justice.***

***The South African Promotion of National Unity and Reconciliation Act actually provide separate provisions establishing the independent Powers of the Commission and powers that can be exercised "in consultation with the Minister." Therefore, it is further recommended to that the Bill should clearly state and stipulate Powers of the Commission and Powers that can be exercised in consultation with the Minister.***

## **9. Report and Recommendations to the Minister after Investigations**

Section 9 of the Bill provides for the compilation of a report and submission of recommendations to the appropriate Minister in writing. The report will detail all the activities, cases handled by the Commission, its recommendations and will advise on violence prevention and management as well as in peacebuilding strategies. The Minister will then be required to implement the recommendations, submit an annual report to Parliament and taking any suggestions from Parliament regarding the work of the NPRC.

However, Section 9 (2b) also empowers the Minister to deal with the recommendations of the Commission “in any manner he/she deems necessary,” does not pass a reasonable man’s test. The provision also fails to compel the Minister to actually implement the recommendations and advice suggested by the Commission in its report. Section 9(2) only require the Minister to “take all steps” to implement the recommendations and to account for “steps taken to implement” the recommendations rather than accounting for what the Minister has implemented and achieved during the course of the year.

***Given that the Commission has a life span of ten years (a decade) and that Commission will be submitting reports every year, it is important that the Bill provide a provision that compels the Minister (i) to implement the recommendations of the Commission, and (ii) to account for his/her achievements towards the implementation of the recommendations.***

***It is also vital to remove Section 8(2b) which gives the Minister an open discretion to make unchecked decisions with regards to the recommendations of the Commission.***

***The Bill should provide mechanisms for the Monitoring and Evaluation of the implementation of recommendations from the Commission. The provision should allow the Parliament to assess implementation progress and question the manner in which the Minister has/is implementing the recommendations and advice of the Commission.***

## **Part IV: Administration of the NPRC**

Part IV of the Bill provides information and procedures for the appointment and dismissal of the Commission’s staff including the Chief Executive Officer and the Secretary. It is positive that both Section 10 and 11 indicates that the person eligible to lead the Commission’s secretariat shall be a Zimbabwean citizen. The provisions also refer to the first schedule of the Bill which stipulates circumstances under which the Officers can vacate office. With regard to other staff members of the Commission, Section 12 of the Bill specifies that the Commission will be responsible for appointing them, in consultation with the appropriate Minister and the Minister responsible for finance. Section 13 provides for the reports of the Commission. The Commission will be required to submit their annual operation and financial reports to the Minister within a stipulated time.

**Section 10 and 11:** However, section 10 and 11 of the Bill provides that the Chief Executive Officer of the Commission and the Secretary, respectively, will be appointed in consultation with the Minister responsible. The same provisions also states that, on both appointments, the Minister has power to “assign persons employed in his Ministry, with the approval of the Civil Service Commission, to act as the Chief Executive Officer and Secretary of the Commission.” In Kenya, Truth, Justice and Reconciliation Commission Act<sup>13</sup> Section 30 empowers the Commission to “appoint such officers and other staff of the Commission as it may consider necessary for the proper performance of its functions” without involving the Minister. In addition, the Kenyan Public Service Commission could only second any public officer to the Commission “upon request of the Commission” rather than by the appropriate Minister as is the case with the current Zimbabwean NPRC Bill. The Kenyan Reconciliation Commission is also further empowered to engage consultants to assist in the recruitment processes.

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<sup>13</sup> Kenya: The Truth, Justice and Reconciliation Commission Act No. 6 of 2008

In view of the above observations, the challenge with the involvement of the Minister in the appointment of the Chief Executive Officer, the Secretary and Staff members may amount to interference with the Commission's independence. In addition, the powers conferred to the Minister to assign persons in his/her Ministry to act as Chief Executive Officer or Secretary of the Commission gives room for partisan appointments and may also lead to imposition of staff to the Commission or the appointment of incompetent persons.

***In view of the above, we recommend that the government should consider allowing the Commission to appoint its own Chief Executive Officer, Secretary and other staff members without the involvement of the Minister. Conferring staff appointing powers to the Commission without the involvement of the Minister increases its autonomy, control and independence. It is a best practice that the Head of a Truth Commission and the Secretary reports to the Commission rather than to the Minister. Thus, the appointment and dismissal of the same be done by the Commission than a political authority such as a Minister.***

***It is also important to insert a provision authorising the Commission to engage experts in the recruitment of its staff to increase efficiency and effectiveness.***

## **Part V: Financial Provisions**

Part V of the Bill provides explanation about the funds of the Commission, accounts and appointment of the Internal Auditor and auditing of the Commission's finances. Section 14 defines funds of the commission as those financial resources that shall be used to settle expenses accrued by the commission in salaries, programs and varying administrative costs, calling for diligence and professionalism in managing such funds. The provision also explains how the commission will increase and manage its revenues through donations, grants, loans, or bequests. However, such loans or grants are subject to approval by the appropriate Minister responsible. In the same spirit, Section 14 (3) allows the commission to invest some of its funds, through the Minister and the Minister of Finance. It is positive that the Bill requires the Commission to conduct internal auditing and another auditing process by the Office of the Auditor General.

However, it is restricting to the Commission to compel approval by the Minister for any funding towards the NPRC. The Minister may, spitefully, deny funding in a way to slow down the operations of the Commission. In Kenya, Sierra Leone and Nepal, the truth Commissions were empowered to fundraise for themselves without the interference or involvement of the Minister. Section 43 (c) of the Kenyan Truth, Justice and Reconciliation Commission Act reads funds of the commission shall also consist of, "all monies from any other sources provided for or donated or lent to the commission." On the other hand, Section 12 (b) of Sierra Leone's Truth and Reconciliation Commission Act of 2000 stipulates that commission funds shall also consist of moneys and resources, "obtained by the commission as gift or donation from foreign governments, intergovernmental organizations, foundations and non-governmental organizations." These provisions provide the Commissions with power and right to solicit funds for their operations. In the same way, the Zimbabwe National Peace and Reconciliation Commission deserve freedom to request funds or fundraise without necessarily having approval from the Minister.

***Funding bottlenecks and inadequacy can cripple the success of the NPRC. The "Ugandan Commission of Inquiry into Violations of Human Rights between 1962 and 1986 suffered from a***

*severe lack of funding and political support leading to irreparable operational difficulties”<sup>14</sup> Heal Zimbabwe, therefore, recommends that the Commission be awarded powers to fundraise and manage their accounts without requiring the approval of the Minister. In other words, the Bill should allow the NPRC to solicit donations and grants for the improvement of its operations without restrictions as to who should provide funding and how much should be donated –as long as the funding supports the mission, vision and objectives of the NPRC.*

## **Omissions in the Bill and Summary of Recommendations**

**Operational autonomy:** the Bill should empower the Commissioners to have the authority to interpret their written mandate, establish priorities and methods for their inquiry, and make staffing decisions. Government institutions should avoid interpreting the mandate of a commission or hiring staff in anticipation of commissioners’ decision.

**Obligation to cooperate:** Everyone, including members of political parties and government officials, should be obligated to cooperate with the commission. The Bill should provide the commission with unrestricted access for any purpose necessary to fulfil the commission’s legal mandate.

**Duty of Care,** - a commission should treat all the information it receives with utmost care to avoid damaging the privacy and integrity of persons involved. However, secrecy laws, like national security considerations, should not apply to any matter that is the subject of NPRC inquiry.

**Protection of the Commissioners and Witnesses:** A Commissioner, Chairperson or Secretary to the Commission should not be liable to any civil action or suit for or in respect of any matter or actions done or omitted to be done in good faith as a Commissioner, Chairperson or as the Secretary of the Commission.

In addition, any Commissioner, Secretary or Chairperson shall not be liable to arrest under civil process while proceeding to, participating in, or returning from any meeting of the Commission or of any committee. Therefore, it is advisable that an insertion of a provision that further protects the Commissioners be placed.

**Amnesty:** The Bill is silent about issues of amnesty. To avoid unforeseen amnesty incidents resulting from either the recommendation of the Commission or the sole actions of the Minister, there is need to specifically stipulate the parameters and issues that falls under amnesty and pardons. Amnesties may act against access to justice; hence the importance of indicating circumstances under which amnesty can be done. In the past, the Zimbabwean government has awarded amnesties and pardons, for instance, the General Amnesty Ordinance 3 of 1979, Amnesty (General Pardon) Ordinance 12 of 1980, Clemency Order no. 1 of 18 April 1988, Clemency Order no. 1 of 2000, Clemency Order no. 1 of 2008 and Clemency Order no. 1 of 2002. However, these amnesties and pardons may not have helped uniting communities given that there may not have been change of attitude by the offenders. Amnesty can be preferred after the truth has been told. In addition, amnesty should not be awarded to those who would have committed heinous crimes against

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<sup>14</sup> Freeman, M (2006) Truth Commissions and Procedural Fairness. Cambridge, Cambridge University Press.

humanity. **Remedies:** the Bill does not mention remedies to certain categories of violations such as destruction or arbitrary dispossession of property, murder, torture, sexual rape and many other gross human rights violations. The Bill should state remedies such as compensation, and prosecutions. Amnesia should be categorically state that it cannot replace or substitute truth telling, compensation, and justice.

**Decentralisation:** A Commission established to serve the country without decentralised structures may be ineffective, particularly when the most affected persons are in the countryside. The NPRC Bill symbolises such an institution as the Bill does not indicate its intention to decentralise or devolve power of facilitating peace and reconciliation to community structures. Therefore, the Bill should expressly state / compel the NPRC to decentralise its operations to the lowest level communities. Decentralisation of the NPRC will allow the promotion of peace and reconciliation to take place at community levels; hence promoting bottom up peacebuilding processes as opposed to national top-down peace building. **Role of other actors:** the Bill does not expressly state the involvement of other actors such as Churches and Civic Society organisations. The aforementioned stakeholders can provide technical support in the production and distribution of the NPRC analysis. Data collection and analysis, logistics and communications can be complemented by churches and civic society organisations because of their experience and expertise in community level engagement. The Bill, therefore, must demonstrate the unconditional involvement of stakeholders towards the promotion of peace, healing and reconciliation. Political parties must be compelled, in the NPRC Bill, to act in a way that promote peace, unity, national healing and reconciliation

**Media:** In South Africa, the media played an integral role in raising awareness on national reconciliation processes and increasing the visibility of the Truth and Reconciliation Commission. The radio and television stations were deliberately used to “broadcast the location of future hearings, venues, and raising public awareness”<sup>15</sup> by broadcasting live hearings of the Commission. Therefore, in the same way, it is recommended that the Bill deliberately mention the role of the media in awareness raising and messaging on reconciliation issues. Deliberately compelling the NPRC to use the media to raise awareness broadcast live hearings and announcements of NPRC outputs could make the NPRC more visible and effective. The business communities and traditional leaders are also stakeholders worth mentioning.

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<sup>15</sup> Cole, C. (2010) *Performing South Africa’s Truth Commission: Stages of Transition*. Bloomington, Indiana University Press.