

COMMISSIONS WATCH 5/2016

National Peace and Reconciliation Commission

[11th May 2016]

Government Withdraws National Peace & Reconciliation Commission Bill

In the National Assembly yesterday, Tuesday 10th May, the Minister of State in Vice-President Mphoko's office, Hon Tabitha Kanengoni, withdrew the National Peace and Reconciliation Commission Bill in terms of Standing Order 157. She explained the withdrawal in the following terms—

“The reasons are that after receiving an Adverse Report on the Bill, the Ministry has decided to consider those issues that were raised and then we will resubmit the Bill at a later date.”

Mr Speaker Mudenda then discharged the Bill from the Order Paper in terms of Standing Order 158. This procedure cleared the way for the introduction of a replacement Bill during the present Parliamentary session.

The Parliamentary Legal Committee [PLC] was not alone in believing the withdrawn Bill to be inconsistent with the Constitution. Veritas strongly criticised the Bill in *Bill Watches 7 and 8/2016* of 15th February and the Veritas opinion went to the PLC.

Many civil society organisations took up the lobbying against the Bill on constitutional [mostly that it compromised the Commission's independence] and other grounds [that it was not comprehensive enough to deal with Zimbabwe's violent past]. Representatives of organisations and members of the public expressed strong opposition to it in the course of the public hearings on the Bill conducted by the Portfolio Committee on Justice, Legal and Parliamentary Affairs and the Senate Thematic Committees on Human Rights and Peace and Security [see *Veritas Bill Watch Committee Series bulletin 9/2016* for a list of the areas where people were consulted at public hearings].

The announcement of the PLC's adverse report on 17th March should not have come as a surprise to anyone, least of all to Government, which had already been apprised of the PLC's reservations.

New Bill a Matter of Utmost Urgency

The passing into law of the new or replacement Bill to “operationalize” the National Peace and Reconciliation Commission should be regarded by Government, Parliament and all Zimbabweans as a matter of the utmost urgency.

Government deserves credit for backing down in the face of the Parliamentary Legal Committee's strong adverse report. But for

Government to regard the withdrawal of the Bill because of the adverse report as an excuse for prolonged delay would be unacceptable.

A Reminder: Too Much Delay Already

On paper this Commission established by the new Constitution has been in existence since 22nd August 2013 when the Constitution came fully into operation. *[Section 251 of the Constitution says “For a period of ten years after the effective date (22nd August 2013) there is a commission to be known as the National Peace and Reconciliation Commission...”]*

But converting this paper existence into reality has taken far too long. Already, over two and a half years of its ten-year life have elapsed *[the ten years will expire on 21st August 2023]*. The first budget allocation for the Commission was made by the Appropriation Act for 2016. The first members of the Commission were sworn in on 24th February. Any further delay at this late stage will inevitably be regarded as evidence that the Government has all along been deliberately dragging its heels on implementing the constitutional provisions for the Commission.

Parliamentarians and Civil society must remain vigilant and forceful in their lobbying and advocacy for swift Government action to produce a constitutionally-compliant and more comprehensive replacement Bill.

Documents Available on the Withdrawn Bill

The following documents on the withdrawn Bill are available from Veritas — please follow the links below to access the documents

[Withdrawn National Peace and Reconciliation Commission \[NPRC\] Bill](#)

[PLC Adverse Report on NPRC Bill](#)

[Veritas commentary on NPRC Bill , Part I](#) *[Bill Watch 7/2016]*

[Veritas commentary on NPRC Bill , Part II](#) *[Bill Watch 8/2016]*

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