STATEMENT OF THE
FIRST OBSERVER MISSION OF THE
COMMISSION ON INDEPENDENCE FOR NAMIBIA

Our delegation came to Namibia to study first-hand the events during this early phase of Namibia's transition to independence through free and fair elections under Resolution 435.

We have spoken with a wide range of individuals across the political spectrum, with representatives of the major parties, church leaders, union members, the Administrator General and his staff, Martti Ahtisaari and other officials of UNTAG, as well as ordinary Namibians. We have spent time in Windhoek, Katatura, Khomasdal, Rundu, Oshakati, Onipa and Ongwediva.

We come away from this trip with a mixture of admiration and deep disquietude - admiration for the determination of the Namibian people to achieve their long-delayed independence and disquietude over the tremendous and unnecessary obstacles to the free and fair elections scheduled for November.

It is now nearly three months into the scheduled seven month period leading to the election on 1 November, yet only the withdrawal of South African troops has occurred on time.

The repeal of certain discriminatory and repressive laws and the proclamation of a limited amnesty were delayed for nearly four weeks. Since these actions were preconditions to the repatriation of refugees, that process started a month late. Moreover, it is proceeding at a slower rate than planned.

The fate of some alleged political prisoners, which should have been decided a month ago, is still undecided.

The election law, due to be issued in May, has still not been published although the scheduled start of the campaign is ten days away. It is rumoured that the
registration law will be published in a few days, but the law
governing the election is reported to be at least a month down
the road.

On the basis of our observations, the following are our major
concerns.

I.

The continued operation of former Koevoet personnel in the north,
under the banner of SWAPOL, creates dangers, real and perceived.
Former Koevoet members, once described by one of their own as
exterminators, symbolizes the terror of the past war in the
north. They still drive their dreaded Casspirs. On one day last
week (June 13) 80 were counted passing in front of the Ongwediva
refugee reception center. They still carry automatic R-4s. They
still operate primarily from their former bases. It is a
travesty to suggest that they now constitute legitimate civilian
police.

We heard credible reports of assaults, death threats, violent
disruptions of meetings, and sexual assault. We also heard
credible reports about night raids and Koevoet moving from house
to house and village to village searching for returnees and their
families to intimidate and harass.

It is essential that the conservative estimate of approximately
1500 former members of Koevoet be dismissed promptly from SWAPOL.
There can be no place in a police force for anyone who was a
member of such a notorious and ruthless organization. Their
continued deployment in the police constitutes a flagrant
violation of the letter and the spirit of Resolution 435.
General Hans Dreyer, who was the founder and leader of Koevoet,
should be removed from his current post as commander of police in
the northern area.

In addition, the use of Casspirs should be banned. They conjure
up the terror of the past. They were the means and the symbol of
intimidation. They have no legitimate policing function today.

Considering the provisions and spirit of Resolution 435, we are
quite concerned that law and order, for which the AG has "pri-
mary" but not exclusive authority under 435, is not being
administered with the same "impartiality" that the AG has long
demanded of the United Nations for Namibia.

II.

UNTAG is not presently capable of defusing the atmosphere of
intimidation that pervades much of Namibia. It is woefully
understaffed and inadequately equipped to fulfill the respon-
sibilities of its mission. There are too few police monitors to
accompany each SWAPOL patrol. They are not authorized to
participate directly in police investigation of complaints and when SWAPOL declines to carry out many investigation of serious complaints, UNTAG cannot compel it to do so. These limitations have confused, angered and demoralized Namibians.

III.

The basic structures of apartheid still exist in this country in the form of AG8, which acts as a continuing impediment to free and fair elections. It should be promptly repealed. Those who fled Namibia to escape apartheid are returning to find its key structures still embedded in their country's laws.

IV.

The laws governing the whole electoral process have been delayed far too long. They have not been promulgated at this late date, only 10 days before the scheduled start of the electoral campaign. This has made it impossible for the political parties to commence the kind of organizing and educational activities which are an essential part of free and fair elections.

V

The initial draft proclamation of the registration process was seriously flawed. This is no ordinary election. It is an election which will determine the future structure of a newly independent nation. The laws that define voter eligibility should limit the vote to those for whom the South West Africa Mandate was established by the League of Nations, i.e., bona fide Namibians. Eligibility should not be extended to civil servants or military personnel temporarily seconded to Namibia by South Africa as part of its occupation administration.

Citizens should register and vote in their district of residence or work. The draft law, which would permit registration and voting anywhere in the country, would make it virtually impossible to check the eligibility of voters - certainly in the absence of a national voters' roll.

VI.

The widely discussed plans for the conduct of the voting are even more troubling. The approximately 40% of the electorate that are illiterate would be able to receive help in marking their ballots only from the government employee who is the chief election official at the polling site. Ballots would be placed in sealed numbered envelopes which could be traced to individual voters. Given South Africa's illegal domination of Namibia, these provisions, if promulgated into law, would destroy public confidence in the secrecy of the ballot.

The plan to transport all ballots to Windhoek rather than count them at the polling locations is fraught with danger and is an
invitation to fraud. The presence of UNTAG officials at the polling stations, during the vote count and during transit will clearly not cure these defects. Furthermore, it is understood that the counting of the ballots in Windhoek will take as long as two weeks, a delay that is likely to lead to unrest and a lack of faith in the results.

VII.

There are certain basic safeguards to free and fair elections. One is fair access to the media by all political parties. This is a critical requirement in a country like Namibia, where the government has a monopoly over television and radio and where 40% of the population is illiterate. Consequently, special measures must be taken to ensure impartiality. In particular, the ethnic radio stations reach a constituency with little access to other sources of information. They must be monitored carefully to guarantee even-handed coverage of all election issues.

VIII.

Another area calling for special measures relates to access by bona fide representatives of political parties and by UNTAG to the approximately 30% of the workforce who work and live on large farms. Access to these workers has been strictly controlled by farm owners, who dominate the lives of their laborers and who may seek to control their political choices.

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In spite of all the problems, there is an enthusiasm in this country about impending independence that is infectious. And, during our visit here we have been privileged to witness rare moments in history. For example, the day that we visited the returnee center at Ongwediva as thousands of people gathered to joyously welcome home the returnees – the brothers who embraced after 15 years apart, the cousins reunited after one had disappeared without a trace.

We were also tremendously impressed by the efficient and humane operation of the reception camp at Ongwediva by the UNHCR and the Council of Churches of Namibia. We also pay our respects to the many UNTAG people who are clearly trying to do their best under severe restrictions and with limited resources.

On the basis of our observations, however, we conclude in general that the U.N. "supervision and control" of South Africa's role in the transition period to date has failed to produce the conditions which are the prerequisites to the free and fair elections called for in Resolution 435.