General Comments

The Administrator General (AG) announced this week that 1,200 members of the former counter-insurgency unit Koevoet would be withdrawn from the SWA Police and confined to base. The announcement came after months of local and international pressure and appeared to be timed to deflate the emergency U.N. Security Council meeting called by the Africa Group. The AG cited assurances given by the Special Representative (SR) and the Angolan government that SWAPO fighters are above the 16th parallel in Angola and stated that the security situation in the north no longer requires the presence of Koevoet. Should the situation alter, however, the AG has reserved the right to take "the steps that would need to be taken in order to restore law and order." In the meantime the ex-Koevoet members are to be "reorientated and restrained."

Several questions have been raised by the AG's action. First, the confinement of Koevoet does not, per se, affect its command structure. There have been repeated demands that General Dreyer, the founder of the unit and currently SWAPO commander in northern Namibia, be removed. The AG's statement does make an oblique reference to "restructuring of the command system". Whether this refers to the status of General Dreyer is not clear.

In addition, some dispute exists as to the actual numbers of Koevoet which were originally incorporated into SWAPO. At one point the AG himself put the total at 2,138. Finally, the AG's action does not satisfy the requirement of 435. Many local and international observers have pointed out that 435 requires that Koevoet be disarmed, demobilized and disbanded. Their confinement to base does not satisfy this condition.

At the special session of the Security Council this week, Africa Group chair Mr. J.V. Gbeho of Ghana refused to accept Pianasar's limited measure regarding Koevoet. Nigerian Ambassador Joseph Garba called on UNTAG not to over-stretch itself monitoring a force which should no longer exist and urged the Security Council to ensure the AG's full compliance with the terms of 435. The group went further to state that the overall implementation
of 435 was not "working well," and concluded that the "general political atmosphere in Namibia is polluted and discouraging."

1. **Overall Security Situation.** As noted previously, incidents of explicitly political violence between Namibia’s two main political parties continue to escalate. From August 10 - August 17, The Namibian reported eight separate violent incidents in Ovambo and Caprivi between DTA and SWAPO. All eight incidents reportedly were instigated by DTA supporters. Many of those involved are reported to be former members of the South West African Territorial Force (SWATF), who often are armed with knives and "pangas," a type of machete. In one incident on August 11 in Ongolo, a woman was stabbed in the buttocks by DTA supporters. On the previous day near Epalela two women were beaten allegedly for singing SWAPO songs. Sources in the North report no similar acts of political violence initiated by SWAPO against the DTA.

UNTAG has also recently been the target of assault. On August 10 the UNTAG regional office at Otji in northern Namibia was attacked and substantially damaged by gunfire and hand grenades. A private security guard in the employ of COIN Security Agency and assigned to UNTAG premises was killed in the attack. In a press statement following the incident, Mr. Ahtisaari deplored all acts of terrorism, whether directed against the United Nations or any other party. He has since requested 500 additional police monitors to the 1,000 he has already obtained. As of August 9, 402 of the existing 1,000 civilian police monitors were stationed in Oshakati.

2. **AG 23: Public Gathering Proclamation.** On July 21, the same day the election and constituent assembly laws were released for comment, the AG promulgated AG 23, Provision for the Protection of the Public Peace and Order at Public Gatherings. Though promulgation of the law was temporarily overshadowed by controversy concerning the draft electoral and constituent assembly laws, it attracted a lot of attention this week due to its apparently biased and restrictive application by the police.

AG 23 covers a broad range of gatherings defined to include "gatherings, meetings, concourse or processions" involving any group of more than 20 persons. The exceptions are limited. In addition, the law empowers the police force to regulate the holding of public meetings and their dispersal. It requires three days notice before any meeting takes place, which notice must be given at the nearest police station. Failure to give notice of public gathering or other failures to comply with the law results in a fine of R4,000 or a maximum two years in prison or both.

AG 23 was drafted following the repeal of AG 22, 1981, the Notification and Prohibition of Meetings Act, which was repealed under UN Resolution 435. The earlier law vested wide powers in the police which were often abused, particularly in the breaking up of meetings and arresting of people, often without charge or trial. Many local observers have rejected the new law on the grounds that its application has proved to be even more problematic than that of its predecessor. Since AG 23 was promulgated,
it has been invoked on at least four separate occasions to prevent or forcibly disperse SWAPO gatherings. On one occasion, four SWAPO organizers were arrested in Kavango in violation of the law, though they had in fact secured permission from the local police to hold their rally. The rally itself was dispersed. In Arandis this past Sunday a 3,000 strong SWAPO rally already in progress was broken up, reportedly because the organizers had filed their request with the Magistrate (as required under AG 22) and not with the local police.

The National Namibian Students Organization (NANSO), SWAPO, The Namibian and the Legal Assistance Center (LAC) have all called for the law's immediate repeal.

3. Draft Electoral and Constituent Assembly Laws: Comments. As called for by the draft laws, comments on the draft electoral and constituent assembly proclamations by all interested parties were to be submitted by Friday, August 11. A range of comments were submitted by, among others, the Legal Assistance Center, SWAPO, DTA, the Council of Churches in Namibia (CCN), the Organization of African Unity (OAU), and international organizations including the Lawyers' Committee for Civil Rights Under Law.

Electoral Laws: Almost without exception, local and international commentators harshly criticized the draft electoral laws as unwieldy and replete with potential dangers to the secrecy of the ballot and the overall goal of free and fair elections. The CCN noted that the electoral laws should establish a process which must not only be free and fair, but must be seen to be as such.

Comments included the following suggestions:

- localized counting of the votes where cast, not centralized counting in Windhoek as proposed in the draft;
- no entry of the voter's registration number on the ballot envelope;
- assistance to illiterate voters by UNTAG officials or a person of their choice, not by electoral officials;
- integration of party agents into all aspects of the voting, counting and verification process, not just at the opening and closing of the polls and the announcement of results;
- a clear role for UNTAG throughout all aspects of the process;
- shorter time between the casting and counting of votes (one to three days) not, as estimated under the draft law, from two to six weeks; and
- accurate public information on all aspects of the process.

Constituent Assembly: Like the electoral laws, the Constituent Assembly Proclamation has been widely criticized. Some local observers have called for its outright rejection on the
grounds that the AG has no legitimate role to play in Namibia following the popular election of the Assembly.

Commenting on specific aspects of the law, the Council of Churches dismissed as "frankly incredible" the provision empowering the AG to veto any recommendation of the Assembly with "a view to the attainment of independence by the territory as a sovereign state." Protest was also voiced regarding requirements for membership in the Assembly, which could effectively disqualify many of SWAPO's most prominent members who have been convicted of political crimes. The draft law does not disqualify a convicted person who has received a "free pardon." However, the amnesty granted to returnees under Proclamation AG 13 of 1989 does not constitute a pardon and, therefore, would not apply to those potentially disqualified.

The AG and the SR began negotiations concerning the draft laws on August 16.

4. Registration. As of August 17, according to the AG, 599,096 people, or 87% of the total number of potential voters, had registered for the elections. However, in a letter to the Administrator General, SWAPO Head of Elections Hage Geingob contended that the AG has deliberately underestimated the total number of potential registrants in order to reduce SWAPO's support in the coming elections. For example, where the AG argues that approximately 280,000 people are eligible to register in Ovamboland, SWAPO contends that there are in fact 350,000 potential voters there. No reliable data exists to substantiate either of these estimates. Nonetheless, the AG has the power under 435 to determine when and on what basis registration units are to be closed. Both the AG and SR maintain, however, that if there are additional potential registrants, they will be reached.

5. Repatriation. On August 17, the AG announced that the returnee entry points at Groetfontein and Ondangwa would no longer receive UNHCR flights. All remaining refugees will return via Windhoek Airport. As of August 18, UNTAG calculated that 37,708 refugees had returned to Namibia, of whom 34,131 have departed from the reception camps and secondary centers.

6. Sam Nujoma's Return. Rumors are rampant that SWAPO President Sam Nujoma, exiled for 30 years from Namibia, will return on August 26, Namibia Day. The occasion marks the 20th anniversary of SWAPO's launching of armed resistance to South Africa's occupation and will mark a major escalation in SWAPO's election campaign. No final confirmation of his arrival date has been issued.

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