THIS WEEK IN NAMIBIA
Week of October 15 - 22, 1989

(A weekly report filed by the Lawyers' Committee for Civil Rights Southern Africa Project staff in Namibia)

General Comments

Revelations this week about alleged South African interference in the Namibian independence process have heightened uneasiness about the elections, now only two weeks away. On Friday, October 20, The Namibian reported that Sue Dobson, a South African employee seconded to the Administrator General (AG), was part of a "covert contingent" of South African personnel sent to Namibia to undermine SWAPO and UNTAG and promote the DTA and the AG. Ms. Dobson, who left Namibia last month, revealed that she was an agent working for the African National Congress (ANC). She alleges that high ranking South African Defence Force (SADF) and Bureau of Information personnel are involved in a R3.5 million ($1.3 million) campaign to portray South Africa as a peace keeper, play up divisions within SWAPO and intimate that SWAPO leader Anton Lubowski was murdered by SWAPO itself. The South African government dismissed Dobson’s report as "sheer fantasy obviously dictated by the ANC." UNTAG spokesman Fred Eckhard, however, said that the United Nations had "been aware of a pattern that certainly raised questions about ... some kind of orchestrated effort."

The allegations of a concerted South African propaganda effort to undermine SWAPO underscore concerns about South Africa’s role in Namibia currently being raised by the Africa Group at the UN. In a strongly worded October 16 statement, the Africa Group alleges South Africa’s non-compliance with key provisions of 435. Given "serious continuing obstacles," the Group raises "concerns as to whether conditions do exist for the holding, under supervision and control of the United Nations, of free and fair elections in Namibia."

Overall Security Situation

Following two weekends in early October of violence resulting in three deaths and dozens of injuries in clashes between DTA
and SWAPO, this week has been relatively quiet. Simultaneous DTA and SWAPO rallies on Saturday in Rundu, for example, passed without incident. Despite the relative calm, however, ongoing security concerns persist, many of which were raised at the October 16-18 meeting of the Joint Military Monitoring Commission (JMMC) in Johannesburg. The JMMC is charged with monitoring the tripartite peace agreement between Angola, South Africa and Cuba.

At the Special Representative's (SR) request, 1,200 ex-Koevoet members have been removed from the South West Africa Police (SWAPOL). However, 1,800 additional ex-Koevoets are unaccounted for. One thousand of these were allegedly disbanded, but 800 reportedly remain in SWAPOL, deployed outside Ovamboland, in apparent violation of UN resolutions 640 and 435 which call for their complete disbandment. Many disbanded Koevoets are now operating under the guise of the DTA and were largely responsible for instigating the violent DTA/SWAPO clashes mentioned above. DTA regional organizers admitted that Koevoet operates within the party, but said that they are unable to control the former counter-insurgents. The AG now contends that Koevoet's removal from SWAPOL constitutes a reduction in his capacity to maintain law and order in Ovamboland and may require him to call on South Africa to provide police reinforcements. During a visit this week to Namibia, South African Minister of Foreign Affairs, Pik Botha, assured the AG that he will "be provided with all the necessary wherewithal to discharge his duties."

The JMMC also touched on the controversial problem of the Department of Defense Information (DDA), staffed mainly by SADF officers, created by the AG to administer to approximately 1,000 SADF personnel still in the country and provide bi-monthly payments to the demobilized South West African Territorial Force (SWATF). Local and international observers have raised questions about the opportunity the DDA affords SADF regularly to contact army personnel previously under their command. The JMMC announced a reduction in DDA personnel, but the Africa Group has called for the Department's abolition.

Reports continue of clandestine SADF bases in northern Namibia. The UN Secretary General's October 6 report to the Security Council, did note the continued operation of two bushmen battalions which the JMMC reports are being demobilized. The United Nations High Commission for Refugees (UNHCR) was asked to take over the administration of former members. These bushmen battalions allegedly had regular contact with UNITA forces in southern Angola. The local population also reports regular contact between UNITA and the DTA, and movement of DTA vehicles over the Namibian/Angolan border. In a petition delivered to UNTAG last Saturday, northern border residents described 33 incidents involving UNITA and DTA between September 18 and October 17 this year. The petitioners called on the UN to stop
both UNITA and the DTA from crossing the border "to ensure peace and security in this devastated area."

No recent evidence has surfaced supporting allegations of a Peoples Liberation Army of Namibia (PLAN) presence in Angola. However, UNTAG acknowledges that UN monitoring of PLAN in Angola has not been as thorough as desirable. The JMMC is now drafting plans for an immediate response mechanism should security breaches of the settlement occur.

Elections: The Law and its Implementation

The final electoral law was published on Friday, October 13, just three weeks before voting begins. As anticipated, the provisions for voting anywhere, for marking of ballot envelopes with registration numbers, for time-consuming verification procedures and for centralized counting have all been substantially altered or dropped. Voting will take place from November 7-11 and announcement of final results is anticipated within three days of the close of balloting.

Though local and international observers welcomed the changes in the electoral laws, concerns persist. In particular, the law now requires that those people who do not vote where they registered, whose vote is challenged or who do not possess photo ID must vote by "tendered ballot." Tendered ballots will be transported to and counted in Windhoek rather than at the district level with normal ballots. Transporting large numbers of tendered ballots to Windhoek could cause delays and present security risks similar to those posed by the widely criticized draft procedures. In addition, the verification procedure takes place during the polling days, requiring that each day the registration cards of those who voted be transported to Windhoek. This procedure not only appears redundant, given that voter identity will be confirmed at the polling places, but creates complex logistical problems and could cause unnecessary delays.

Additional and perhaps more pressing concerns relate to physical arrangements for implementing the law. A recent report of a Commonwealth Observer Mission, prepared for presentation at the Commonwealth heads of governments meeting in Kuala Lumpur, expressed unease about these arrangements, particularly regarding time allotted for the "through-put" of each voter at the polling stations. In Katutura, the "so-called" black township outside of Windhoek, for example, seven polling stations have been allotted for 42,000 voters. With 5 polling days, each station must accommodate over 1,000 voters from 7 to 7 each day, or a little more than one-half a minute per voter. The Commonwealth mission notes that this time allotment is substantially less than that allowed in other African countries and they strongly urged the AG and UNTAG to review these projections.
Though these difficulties have not gone unnoticed by either UNTAG or AG electoral personnel, both sides reportedly are hampered by limited personnel and transport facilities. Based on draft estimates of personnel and polling site estimates, little provision has been made by either side for reserve teams in the event of unanticipated problems. Of 1,700 UNTAG personnel allotted for the elections, for example, approximately 1,575 are allocated to an existing 350 fixed and mobile polling stations covering 967 sites. Given additional personnel requirements for the verification and counting procedures, few UN personnel will be left over for reserves. In addition to creating vulnerability in the system, this possible lack of reserve personnel may place great strain on existing staff, who will have little hope of rest or replacement during the five polling days.

Voter Education/SWABC Bias

The last-minute issuance of the electoral law has left very little time for voter education of a largely illiterate and inexperienced voting population. SWAPO has initiated mock ballot drives and reports a high incidence of spoiled ballots and lengthy voter through-put. In addition, the South West African Broadcasting Corporation (SWABC), on whose radio broadcasts a large portion of the population depend for news, continues to be admonished for biased and blatantly anti-SWAPo reporting. The second in a series of reports by Namibia Peace Plan 435 (NPP 435), which carefully details SWABC's systematic bias, calls for immediate and sweeping changes. The JMMC also stated that additional measures were necessary to ensure that SWABC perform its function in the letter and spirit of 435. UNTAG has made a concerted and widely publicized effort to promote both the Code of Conduct and the accuracy of the ballot under UNTAG supervision and control, but still provides little simple and specific information on the voting process.

Detainees

With the return of the UN mission from Angola and Zambia, and the onset of the Parents' Committee (PC) application against SWAPO before the Windhoek Supreme Court, the issue of SWAPO detainees continues to dominate. The UN's widely criticized report concluded that only 315 persons of 1,000 remain to be accounted for. A number of political parties and the AG have stated that the report is inadequate and the Parent's Committee dismissed the document as "regrettable, perfunctory, grossly inadequate and characterized by preposterous contradictions."

Deliberation on the PC case against SWAPO began on Tuesday this week. The PC and four relatives have brought an urgent application against President Sam Nujoma, the SWAPO Politburo and four others, seeking, among other things, the release of six detainees allegedly held in Angola. Lawyers for SWAPO argue that
the PC has no standing to bring the case and further, that the court has no jurisdiction to order the relief sought. Judgment in the case has been reserved but is expected this coming week.

In a separate but related development, SWAPO submitted a list of 60 SWAPO members allegedly being held by the South African government and asking to know their whereabouts. The list includes SWAPO vice-president Mr. Simbwaye Kangongolo. The AG said he was not prepared to speculate on the validity of SWAPO's list but would instruct his staff to investigate.

Bishop Kleopas Dumeni, head of the Evangelical Church in Namibia and a widely recognized popular leader, has called on "anyone who may still have prisoners to release them without further delay....It is now time to confess the truth on all sides, to ask and grant forgiveness, to put the past behind and start again."

The Constituent Assembly

The guidelines for the Constituent Assembly have generated renewed controversy this week due to comments by UN Deputy General Representative Joseph Legwaila regarding the 1982 Constitutional principles, drafted by the Western Contact group and generally accepted as part of 435. (The principles establish basic guidelines for the constitution and provide that a two-thirds majority will be necessary for its adoption.) In an interview with the Southern Africa Special Dispatch, Ambassador Legwaila allegedly suggested that the UN has no power to enforce the principles and that if one party came to power with a simple majority it could simply refuse to implement them. UNTAG spokesman Fred Eckhard dismissed the article quoting Legwaila as a distortion and stressed that in UNTAG's view the principles form "an integral part of the settlement proposal." All parties are generally believed to accept the principles as binding.

Reports of Ambassador Legwaila's comments regarding the 1982 principles coincided with ongoing negotiations about how the principles are to be incorporated into the work of the Constituent Assembly. The AG's widely criticized Draft Proclamation (AG No. 91, July 21, 1989) incorporated the principles (in slightly altered form), a move which UNTAG opposes, arguing that it is for the Assembly itself formally to adopt the guidelines. The AG and UNTAG are also debating provisions concerning the exact procedures, once the constitution is adopted, for declaring Namibia's independence.

For more information contact:
Gay McDougall
Lorraine Eide
(202)371-1212