THIS WEEK IN NAMIBIA
Week of December 10 - 17, 1989

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

1. **Constituent Assembly** According to the first report of the Constituent Assembly's Standing Committee on Rules and Orders, the Committee has unanimously agreed to use SWAPO's draft constitution as a working document for the remainder of the process. The Committee will now work on the major material differences between the parties' drafts (the most significant of which is the composition of the legislature) as well as consider areas where broad agreement exists, but further discussion is needed. These areas include: the police, army, prisons and ombudsmen, the economic system and its institutions, land reform, State succession and transitional provisions.

Apparently, all the parties have agreed on proportional representation as the electoral system, with SWAPO conceding its support for a single member constituency system. It is also agreed that the official language will be English, though other languages can be used in both education and local government. Constitutional amendments will require a two-thirds vote of the national assembly.

Though the Committee listed fundamental rights as an area of agreement between the parties, differences apparently exist as to under what circumstances fundamental rights can be derogated. In the National Patriotic Front's (NPF) view, for example, certain freedoms should be inviolable. According to SWAPO's draft, however, the President would have state of emergency powers "to make such laws as are in his opinion expedient to protect the security of the state...." This includes "the power to suspend the operation of any rule of common law, or statute, or any fundamental right." (As one local observer points out this view is inconsistent with Article 4 of the International Covenant on Civil and Political Rights, which provides that there are certain rights so fundamental that they may not be violated or suspended, even in a state of emergency.)
The SWAPO draft also provides for sixty day preventive detention without charge or trial, after which the person detained can appear before an advisory board which may extend the detention for as long as a year. In addition, the SWAPO draft fails to list freedom of the press, though many view this as an inadvertent omission. Though not listed as matters of material dispute, these concerns and others are reportedly being discussed by the Standing Committee in its closed sessions. The Committee Members are as follows:

Hage Geingob, Chairman (SWAPO)
Ben Amathila (SWAPO)
Nahas Angula (SWAPO)
Barney Barnes (DTA)
Nico Bessinger (SWAPO)
Hans Diergaardt (FCN)
Reggie Diergaardt (UDF)
Theo-Ben Gurirab (SWAPO)
Hidipo Hamutenya (SWAPO)
Pendukeni Iithana (SWAPO)
Nickey Iyambo (SWAPO)

Peter Katjavivi (SWAPO)
Moses Katjiuongua (NPF)
Andrew Matjila (DTA)
Dirk Mudge (DTA)
Kosie Pretorius (ACN)
Vekuii Rukoro (NNF)
Hartmut Rupple (SWAPO)
Hans-Erik Staby (DTA)
Ernest Tjiriange (SWAPO)
Moses Tjitendero (SWAPO)

2. Walvis Bay  All parties in the Constituent Assembly have agreed on a definition of Namibia which includes Walvis Bay and the offshore islands, currently claimed by South Africa. According to observers working with the Churches Information and Monitoring Service (CIMS), however, the South African Defence Force (SADF) is "determined on a long and repressive occupation of the port" and extensive expansion and upgrading of military facilities have recently been observed in the contested enclave. According to CIMS, there are a number of bases in Walvis Bay, including in the town center and at Rooikop (10 kilometers outside town), a new communications installation at Rooibank, an artillery range, a rifle range and large underground bunkers and an air base near Rooikop. A South African Police training camp, formerly used to train white Koevoet Commanders before they were deployed to the North, is located near the new Rooibank base.

Reportedly, both the town and Rooikop bases are undergoing extensive construction, apparently to accommodate the newly arrived 61 Mechanized Battalion, recently re-deployed from northern Namibia where they were confined throughout the 435 period until November 21. The new Rooibank base reportedly will house a sophisticated communications facility which is being constructed by a Namibian firm - Premier Construction - under contract to a high-tech South African firm working on behalf of the SADF.

CIMS concludes that South Africa is establishing a permanent garrison at Walvis Bay in contravention of U.N. Security Council Resolution (UNSCR) 432, which calls for the early reintegration
of Walvis Bay into Namibia. While UNTAG (which has no 435 mandate to monitor the SADF in Walvis Bay) estimates SADF troop presence at 1,600, local residents put the figure as high as 5,000. Community members report a dramatic increase in troop presence in the town, with "soldiers seen everywhere" and far more military vehicles on the roads. The exact amount of available military equipment is difficult to assess, but CIMS workers estimate at least 100 Ratels (small armored vehicles mounted with guns and cannons), a 20-tank squadron, a considerable amount of artillery, rocket launchers, anti-aircraft systems, mortars and anti-tank weapons and over 300 armored and non-armored vehicles, including Casspirs.

3. **Walvis Bay Five**  
   Opposition continues to mount to South Africa's imprisonment of five students in Walvis Bay on charges of public violence emanating from their involvement in last year's school boycott in Namibia. On Friday, The Namibian ran an editorial calling for the release of the Walvis Bay Five and urging UNTAG to take the matter up urgently with the Administrator General (AG). The editorial pointed out that the AG has a special responsibility to address the case of the five, as he recently pardoned ex-Koevoet members slated to stand trial for murder on the grounds that they acted in "the heat of battle." UN sources reportedly are uncertain as to whether calling for the five's release falls within their mandate.

4. **Privatization Scheme**  
   Following the Constituent Assembly's unanimous opposition to the schools' privatization scheme exposed last week, the Interdenominational Association for Christian Education has withdrawn its application to lease government schools for the purpose of offering "Christian-based mother-tongue education." Following reports of the privatization plan, Constituent Assembly Chairman Hage Geingob released a statement stressing that all the Assembly's parties support private schools, but are opposed to privatization at this stage, especially any such efforts which might prove discriminatory. He emphasized that in spite of the fact that the present education system would continue for a while, "it should not be construed as permitting the continuation of discriminatory practices." He concluded that all schools should be considered to be open to all children as of January 1990. These sentiments were echoed in a similar statement issued by the Council of Churches.

5. **Anton Lubowski Assassination**  
   In testimony before the Rand Supreme Court this week, Brigadier Floris Mosterd, Commander of the Brixton Murder and Robbery Squad, stated that Calla Botha, a former squad member being held in connection with the deaths of Anton Lubowski and David Webster, was a "handler" for David Acheson, who is charged with the Lubowski killing. By "handler," the Brigadier testified, he meant "a person used for facilitating a murder."
However, though the police appear to have established a connection between Acheson, Botha and a third detainee, Barnard, charges against Acheson are proving difficult to substantiate. According to some local sources, he may be released before appearing in Court on January 10 to be formally charged.

6. Detainees The issue of SWAPO detainees took a new turn this week when at least seven former detainees applied for political asylum at the West German Embassy in Pretoria. The ex-detainees reportedly are afraid for their lives in Namibia. The embassy has released no information about the applicants, though their request is apparently being considered by the Department of Internal Affairs in Bonn. Though a spokesperson for the AG's office reported that other government observer missions have raised concerns over the detainees' safety, the U.S. and Canadian missions report no applications. Australian and British spokespersons say no details of such applications, if there were any, would be released to the public.

In a separate but related matter, the Parents' Committee, a controversial group claiming to represent SWAPO detainees, announced that they will ask the AG to assist in securing the release of 300 detainees, allegedly last seen in a submerged prison in southern Angola in early October. In addition, two court cases against SWAPO calling for the release of or accounting for separate lists of detainees are pending. A third case recently was dropped in recognition of the Namibian court's limited jurisdiction and its inability to order the release of persons held in another country.

7. Human Rights Day In an unprecedented show of national unity, five parties in the constituent assembly joined in commemoration of Old Location Day on the occasion of the 30th anniversary of the Old Location uprising, which left twelve peacefully demonstrating civilians dead. SWAPO, DTA, NNF, NPF and UDF stood together on the platform on December 10, Human Rights Day, and commended the courage of the women who led the 1959 demonstration against the forced removal of Old Location inhabitants to what is now known as the black township of Katutura. A clash between the non-violent protestors and the police ensued, ending in the twelve deaths and, ultimately, in the destruction of the Old Location to make way for the white suburb now known as Pioniers Park. The party leaders called on Namibians to join together to affirm their past and work towards human rights and national reconciliation in a future Namibia.

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