1. Constituent Assembly: The Constituent Assembly's Standing Committee on Rules and Orders reportedly has reached an agreement on the final constitutional draft to be tabled in the full Assembly later this week. Full Assembly deliberations on the draft - originally scheduled for last Friday - were postponed when disagreement arose over the provisions for the powers of the President and the nature of the legislature, among other issues.

The reasons for the delay are unclear. Reportedly, the Committee was dissatisfied with the draft prepared by the three South African lawyers acting on the Committee's instructions. But, one local newspaper attributes the delay mainly to the Committee's failure "to clear up relevant issues the first time around." Whatever the cause, SWAPO reportedly felt, for example, that too many limitations had been placed on the powers of the President, while DTA members argued that the second "House of Review" (HOR) was toothless and the mechanism and timetable for its formation unclear. Questions were also raised regarding the usefulness of the separate constitutional division of the judiciary, on the grounds that a separation between constitutional and non-constitutional matters was specious and that such a separate division, entrusted with powers over the Supreme Court and Appellate divisions, risked threatening the independence of the judiciary.

As a result of negotiations over the weekend, however, it appears the President is now likely to be elected popularly (with the exception of the first President who will be elected by a simple majority of the National Assembly) though his powers will be considerably curbed by the Assembly. The House of Review apparently will be established well within the five year timetable proposed in the last draft. Its power may be increased by requiring approval by two-thirds of its members (along with that of two-thirds of the National Assembly) to amend the constitution. According to SWAPO leaders, local and regional elections...
on which the formation of the HOR depends will definitely take place this year. It appears that the Constitutional Court has been dropped.

The status of the controversial preventative detention clauses remains unclear. In an open letter to the Assembly this week, Amnesty International expressed concern about the provisions and noted that if they are to be maintained "they should contain legal safeguards," such as regular review of the legality and necessity of detention as well as the right of detainees to challenge their detention in court at any time. Other local observers have urged that the right to legal representation and immediate access to a lawyer be clearly spelled out should the preventative detention provisions remain.

At this juncture, however, reports of the Standing Committee's progress are entirely provisional. The Committee's proceedings are confidential, much to the chagrin of local groups, the news media and even those members of the Assembly not on the Standing Committee. In a January 10 letter to the Constituent Assembly, the National Union of Namibian Workers called for the draft constitution to be made public and open to comment before being finally accepted. The following day, Namibian editor Gwen Lister urged Committee members to consult the Namibian people, arguing that "people become confused and afraid of collusion rather than cooperation when secrecy shrouds the key question of the constitution for an independent Namibia." Similarly, the Windhoek Observer noted that the secrecy violates the public's right to know, encourages inaccurate leaks and causes suspicion. One Namibian exile warned that "if we forfeit our chance to create and encourage a true participatory system of governance now, we may forfeit the opportunity for a long time to come." Despite these protests, however, Standing Committee proceedings remain secret. Reportedly, full Assembly members themselves are not ever privy to the proceedings.

2. **Shadow Cabinet:** On December 21 of last year, SWAPO President Sam Nujoma announced formation of a "shadow Cabinet" to facilitate the transition process. Under the arrangement future ministers will "shadow" current government officials to learn more about the workings of their respective departments and the problems and potential they are going to inherit. President Nujoma also characterized the move as an attempt to indicate "policy directions of the incoming government."

Some shadow cabinet posts were predictable, like those of Hidipo Hamutenya as Minister of Information and Theo Ben-Gurirab as Minister of Foreign Affairs. Other appointments, however, came as a surprise, including Hendrik Witbooi as shadow Minister of Labor, though he has little current involvement in labor issues, and Dr. Libertine Amathilla as Minister of Housing, though she was generally expected to be Minister of Health. One
remaining post, the Ministry of Agriculture, has yet to be filled. Though many expected Action Christian National (ACN) leader Jannie de Wet would be offered the post (and he indicated that if asked he would accept), the name of Namibian Agricultural Union President Andries Mouton is now being floated about as well. In any case, de Wet is embroiled in a public struggle with National Party (NP) chairman Kosie Pretorius over control of the ACN, (an election front comprised of the NP and two German parties) which may hamper his chances.

The appointments were remarkable for the fact that DTA members were entirely excluded from the line-up, though representatives of two smaller parties, NNF President Vekuii Rukoro and UDF Chairman Reggie Diergaardt, were asked to join. Both appointments caused splits in the two parties and provoked accusations that Rukoro and Diergaardt were "selling out" and undermining the smaller parties' role as a viable opposition to SWAPO. After lengthy discussions in both parties' executive committees, however, Rukoro and Diergaardt each accepted their positions as Deputy Minister of Justice and Deputy Minister of Trade and Development respectively. The Namibian reports that NNF spokesperson for Foreign Affairs Nora Chase has been approached by the DTA with the possibility of a position in the Constituent Assembly as a means of "revitalizing and rejuvenating the Alliance to offer strong opposition to SWAPO in a future parliament." Chase denies that any such offer has been made.

3. **Security:** UNTAG troops have begun the process of withdrawing from Namibia. The Canadian logistical unit left this week and other units are being pulled back from outlying areas to more centralized bases. According to the UNTAG spokesperson, 15% of the military will leave by the end of next month. The rest will remain until independence. On the whole, the security situation appears stable. Recent meetings between former military and political adversaries in both Ovamboland and the Kavango indicate a general spirit of cooperation. Reported incidents of inter-party violence have notably decreased. A "great indaba" of DTA, SWAPO, UDF, Koevoet, PLAN, and SWATF held in Rundu by the United Nations last weekend produced a Rundu Plan of Action calling for regular reconciliation meetings in local communities and consistent emphasis on reconciliation in weekly church services. The churches have also been commissioned to draw up a National Reconciliation Programme and the present Kavango Administration has agreed to provide the necessary support services. The first meeting pursuant to the plan was attended by 400 people and characterized by UNTAG as "reconstructing and positive."

The general internal calm has been marred, however, by a disturbing increase in cross-border raids into Namibia from Angola. According to UN reports, cross-border raids are on the increase in both northeastern Ovamboland and the Kavango, leading
to several injuries and the theft of hundreds of cattle in the last two months. Early last week three uniformed and armed Angolans allegedly tried to rob some northern Ovambo villagers and were shot dead. On January 17, Pastor Michael Nengola of Onhelewe was badly beaten reportedly by UNITA rebels when he attempted to stop them from stealing livestock. This past Friday, January 19, 10 uniformed and armed men, believed to be Angolans, raided eight cuca shops just outside the Namibian border and allegedly stole six cattle from a farm nearby. The next day a mother and daughter were shot and killed within 10 kilometers of the Angolan border. Though the exact origin of the perpetrators' uniforms is difficult to determine, and Angolan army (FAPLA) uniforms have been sighted, most of the cross-border activity is attributed to UNITA forces who are being pushed further and further south due to increased fighting in southern Angola. UNTAG has pledged to increase its border patrols.

According to a recent report in the Windhoek Observer, cross-border traffic may also be headed the other way. Recent Observer interviews reveal "serious unhappiness" in the ranks of former Koevoet and security branch members who feel "there is no future for them" in Namibia. Some have reportedly decided to join the police and security forces in South Africa. Others, however, have "made up their minds to join UNITA." This issue reportedly was raised by SWAPO President Sam Nujoma at his weekend meeting with Angolan President Eduardo Dos Santos. It was also discussed at an UNTAG regional meeting on January 15 in Ovamboland and remains a "matter of concern" for the Special Representative.

Concern also persists regarding the proliferation of weaponry throughout northern Namibia. Last week the former Koevoet base in Oshakati was reportedly left open and unguarded over the weekend and an unidentified man was caught with a box of 32 hand-grenades apparently stolen from the base. Local residents reported that people seemed to be moving in and out of the area quite freely and feared that additional weapons had been stolen. Concern about weapons proliferation has also been raised in Kavango and the Rundu Plan of Action calls for unlicensed firearms to be handed over to the police.

4. Namibian Defense Force: Controversy continues over the formation of a Namibian national defense force but the Constituent Assembly is apparently in favor of such a move. This week in apparent response to SWAPO President Sam Nujoma's request for assistance with a national army, four British military experts arrived in Namibia. They will meet with SWAPO, outgoing South African officials, Constituent Assembly members and the military and police with a view towards making recommendations about the integration and training of a National Defense Force. No final commitment has been made by the British government to the project, but it is widely held that if officially asked they
will provide support. According to a spokesperson from the British Liaison office, they are considering aid in three main areas: military, police (which they hope to undertake as a project of the Commonwealth), and English language education.

Despite this development, however, opposition to the formation of a national defense force continues. A conservative German think-tank placed advertisements in this week's newspapers arguing that the "money an army would swallow up could rather be used for education and training." In a similar vein, an article in the January 20 Windhoek Observer under the headline "The Folly Is Taking Shape," contends that a national army "will ruin the country's treasury." SWAPO spokesperson Eddie Amkongo maintains that a national army will only be used defensively and further reports that Britain is the only country which has been approached for assistance by the future government. The draft constitution makes provision for conscientious objection.

5. Open Schools: For the first time in Namibia's history, whites only schools opened their doors to all population groups this week. At private schools 248 applications were received, with an additional 165 to public high schools. Over 130 of these applications have been accepted. Most white students interviewed expressed their willingness to welcome non-white classmates and black students entering the schools appeared excited and pleased by the new educational opportunity. Many of the entering students were born in exile and were attending schools in Namibia for the first time in their lives. In an open letter to education authorities, parents, teachers and students SWAPO shadow Minister for Education Nahas Angula said the "desegregation was in line with national reconciliation," and that he looked forward to consulting all Namibians about ideas for a new Education Act for Namibia.

6. Police Torture Alleged: Two Namibians being held in Katima Mulilo for the shooting death last year of a police sergeant claim they have been tortured by police during questioning. Reportedly one of the detainees, a returnee named Shadrack Mwilima, was bound and hung from a tree in a U shape and interrogated while electric shocks were applied to his body. Family witnesses have reportedly seen marks on Mwilima's body and the second detainee, Damien Tonchi, has also complained of torture. The case was heard in Katima Mulilo magistrate's court on January 18 and postponed until mid-March while the Attorney General decides whether or not to prosecute the two murder suspects. In the meantime, they have been released on bail.

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