1. **General Comments** Following UN Secretary General Javier Perez de Cuellar's visit to Namibia last week two distinctly different versions of the present situation here emerged. On one hand the SG left the country saying he was "very pleased." He also stated at the Organization of African Unity (OAU) summit this week that, though still concerned about the whereabouts of SWAPO detainees and about the presence of Koevoet in the police force, he was very satisfied with the progress towards independence and considered the process "irreversible." On the other hand, exiled SWAPO President Sam Nujoma stated to the OAU that the Namibian situation was "critical and explosive." He asserted blatant South African interference in the electoral process and sharply criticized the registration and electoral process. In response to the obvious conflict between their views on every issue except Koevoet, the SG concluded "there is a small difference [between de Cuellar and Nujoma] in that I have been in the country and Nujoma has not for several years."

Similarly divergent, though less polarized, views of the current situation are emerging inside Namibia as well. Official representatives of UNTAG and the Administrator-General and many diplomatic observers publicly state that the process is proceeding extremely well. However, representatives of SWAPO, other political parties, church leaders, trade unions, student groups, and some international observer groups have raised serious questions, particularly regarding the electoral process.

2. **Security Situation** Despite the AG's assurance that he would take steps to reduce the presence of Koevoet in the north, reports of its intimidatory practices continue. Two recent incidents may threaten to fuel the AG's assertion that Koevoet is needed to assure security in the area.

On July 28, Radio South Africa reported that a SWAPOL station in Etale, 16 kilometers south of the Angolan border, had
been attacked by mortar fire during the previous night. The mortars from the attack fell some 400 meters short of the SWAPOL station, though they were launched from just 700 meters away. An unexploded landmine was found in plain sight along the road. The weapons have been identified as Soviet made, but neither the identity of the attackers nor their motivation is known. The AG used the incident to cancel registrations scheduled for that area, turning away residents who had travelled to Etale that day.

In the second incident, eight men were charged on July 24 with illegal possession of firearms and ammunition. Several weapons were found in their possession on July 20 when they were stopped and searched in northeastern Ovamboland. Four of the arrestees are recent UNHCR returnees and two have been identified as Council of Churches' employees. The men are believed to have been arrested in connection with the longstanding claim by residents that South African security forces are maintaining secret bases in northeastern Ovamboland which are channeling supplies to UNITA in southern Angola. It is suspected that the men may have been in search of or stumbled on one of these bases, although the existence of these bases has not yet been proven.

Additional reports have surfaced regarding the continued operation of ostensibly disbanded security forces. The Namibian this week reported that the South West African Territorial Force (SWATF) remains visibly operational in Opuwo, in the northwestern Kaoko region. SWATF soldiers continue to receive bi-weekly pay checks and health benefits.

3. Registration As of July 27, according to figures released by the AG, 417,739 persons have registered to vote. The percentage of total eligible voters this number represents, however, is in dispute. SWAPO contends that this number only amounts to approximately 50% of the total number of eligible voters, which they estimate at 801,985. Original UNTAG/AG estimates are lower, putting the total number of voters at 677,000. Accurate figures are essential if the parties are to determine whether all potential voters have been registered.

As reported last week, South Africans are continuing to register to vote in the Namibian elections. To accommodate the influx, the AG announced on 25 July the indefinite extension of the registration period at the Ariasvlei border registration. In addition to South African voters, Zambian nationals are also reported to be registering to vote. On July 25, however, the head of the Botswanan mission to Namibia said Botswana citizens crossing into Namibia to register and vote in the November elections will not be tolerated.

A further twist in the registration process developed this week when many of the AG's registrars announced they were on temporary assignment from their permanent jobs and would start
returning to those long-term posts. As of July 26 (with one and a half months left in the registration process), over 50 South African registrars in Oambo had left and others were preparing to follow. Apparently UNTAG officials were never informed about the temporary status of the registrars. While these departing personnel will reportedly be replaced, the move has effectively slowed the registration process and may require an extension.

In addition, the AG's officials have reportedly been consistently late in arriving at registration sites, but always shut down at about 4:00 p.m., regardless of how many people remain in line. At times, their mobile registration teams have arbitrarily moved to new locations, even when additional days for registration were scheduled. Their units often do not have sufficient registration materials to accommodate registrants. Furthermore, reports persist regarding technical registration errors. As reported last week, certain political parties had been issuing party membership cards with the assurance that the holder is registered to vote. In response to these incidents of registration fraud, the Chief Election Officer issued a news release on July 28 stating that party membership cards neither suffice for registration nor entitle a person to vote.

Registration officials appear to have gravely underestimated the number of registrants, the duration of the process in certain areas, and the overall complexity of their task. Reportedly, they are ill-prepared and ill-trained. It is safe to conclude that if their approach to the election procedure at all resembles the manner in which they are treating the registration process, the integrity of the elections may be grievously undermined.

4. Electoral Laws

The Draft Election (Constituent Assembly) Proclamation No. 90, 1989 was published on Friday, July 21, three weeks after the start of the election campaign and two and a half months behind the 435 schedule. Though published on Friday, the draft was only released to the public the following Monday. Comments will be received on the law until August 11.

The draft laws in the main duplicate the 1978 elections laws. It provides for the appointment of electoral officials, registration of political parties and party polling agents, arrangements for taking the poll, voting procedure, determination and announcement of the poll result and offenses and penalties.

Some essential elements of the voting procedure are as follows: After demonstrating that s/he has not already voted, each voter is issued with a ballot envelope and a ballot. The registration number of each voter will be written on the envelope into which her/his ballot is placed, after which the envelope will be sealed and put in the ballot box. The number of the ballot box will then be marked on each registration card, which will be retained by the authorities. After voting, the registra-
tion cards and ballots collected at the polling places will be transported to Windhoek, where each voter registration card will be compared to a duplicate card which was issued at the time of registration and subsequently stored in Windhoek. This comparison will be done by fingerprint and handwriting experts in order to verify the voter's identity. Where the cards do not match, the ballot box marked on the registration card will be opened, the ballot envelope with the corresponding registration number marked on it removed and the ballot destroyed.

This process is fraught with potential problems. It risks jeopardizing the secrecy of the ballot (or at least its perceived secrecy). Voters who see their registration number marked on the exterior of their ballot envelopes are likely to fear that the ballot will be traced to them. There are unnecessary opportunities for fraud and manipulation. Ballot boxes are to be transported from all over the country and opened twice before the actual counting: 1) to verify that the number of ballot envelopes in each box corresponds with the number of ballots issued; 2) to remove ballot envelopes disqualified by the comparison of the duplicate registration cards; and 3) to open the envelopes and count the votes. Finally, an unacceptably long time period will likely pass between voting and the announcement of the election results. The Chief Election Officer estimates that the entire process from voting to announcement of results could take as long as three weeks. However, it is difficult to imagine that such a complicated process could be completed in less than six or more weeks.

One Canadian observer group noted that the proposed electoral laws "could lead to deliberate manipulation of the results." They and others have recommended that the verification procedure be dropped, that voters' identity be verified at the polling place, that votes be counted where they are cast (or at least at the 23 UNTAC district offices) and that the results be released as expeditiously as possible. The Canadian observer group further suggests that voters vote where they register, (not, as the AG proposes, anywhere they want) and that both UNTAG and the political parties be fully involved in the process.

5. The Constituent Assembly The entire 435 process is geared toward election of a Constituent Assembly which will write the constitution and declare a newly independent Namibia. The original settlement plan does not place restrictions on the functioning of this Assembly, save that it must be convened one week after the elections. In 1982, the Western Contact Group (France, Britain, the United States, Germany and Canada), drafted a set of constitutional principles which were later incorporated into 435's enabling resolution (UN Security Council Resolution 632, 1989) and are now considered as part of the documents governing the transition period.
This week, the AG unexpectedly released a draft proclamation entitled Provision for the Establishment and Powers of a Constituent Assembly for the Territory of South West Africa and for Incidental Matters (No. 91, 1989). In the draft law he seeks to encode the 1982 constitutional principles (to which he made some significant changes, including the deletion of the provision for due process) and took it upon himself to determine both the Assembly's powers and procedures. In the draft proclamation the AG accorded himself the power to: a) veto any recommendation, request or proposal of the Constituent Assembly regarding steps to be taken with "a view towards the attainment of independence;" b) determine the date for the Assembly's first meeting; c) act as Chairman of the Assembly until a President is duly elected; d) adjourn the Assembly for an unspecified period if the election for President is a draw; e) determine the majority (two-thirds) by which any action of the Assembly must be adopted; f) determine the remuneration, allowance and facilities for the Assembly; and g) give prior approval to and appropriate monies for the expenditures in connection with the Assembly.

None of these powers are vested in the AG by 435 or by the 1982 constitutional principles. Most local observers consider the principles and powers of the Assembly, while guided by the 1982 principles, to be a matter for the Assembly itself to determine. The AG apparently intends to extend the period of his (and South Africa's) control over Namibia beyond that anticipated by the international community.

6. **Walvis Bay** The Namibian continues to report persistent harassment of the Walvis Bay border check point of residents travelling to nearby Swakopmund to register to vote in the coming elections. Eight motorists, most of them giving rides to persons desiring to register, were stopped by traffic officers and fined apparently for not having a permit to transport people in their vehicles. The Churches' Information and Monitoring Service again called on UNTAG and the AG to enable all Namibians in the disputed South African enclave to participate freely in the elections. A Canadian Observer team, including former External Affairs Minister Flora McDonald, rejected the position that Walvis Bay must be left to negotiations between an independent Namibian government and South Africa. They urged the international community to honor Security Council Resolution 432, which calls for Walvis Bay to be reintegrated into Namibian territory.

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