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THIS WEEK IN NAMIBIA
Week of August 27 - September 2, 1989

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

1. General Comments Just two months away from elections which will chart the future of an independent Namibia, the settlement process was buoyed considerably by the unanimous passage of UN Security Council Resolution 640. Amidst growing concern over a South African-backed draft electoral plan which has been described as "open[ing] the door to widespread fraud," the Resolution demands "strict compliance by all parties concerned, especially South Africa," with the terms of Resolution 435. It goes on to state that Resolution 435, the basic settlement prescription, must be implemented in its "original and definitive form" in order to ensure conditions conducive to a free and fair electoral process. The UN Secretary-General, Javier Perez de Cuellar was mandated by the Security Council to reassess the adequacy of UNTAG's military and police monitors, as well as to ensure that proclamations issued by the Administrator-General "conform with internationally accepted norms for the conduct of free and fair elections."

The degree of UN concern over inherent flaws in the South African draft of the electoral laws was underscored by the announcement in Windhoek on Monday that a retired senior member of the legal office of the Secretary-General, Mr. Paul Szasz, had arrived to assist Special Representative Martti Ahtisaari in negotiations with the Administrator-General over the final version of the electoral laws. Concern was also expressed by the US State Department, in a statement given by spokesperson Margaret Tutweiler, acknowledging problems in the implementation process and calling for "changes...in the draft election law." There was widespread praise among parties and individuals in Namibia for the actions taken by the international community.

Even as the UN initiatives were being announced, the AG issued a pronouncement seemingly at odds with the wishes of the international body. Government spokesperson Mr. Gerhard Roux told members of the press that the AG was considering "extracting" the section of the electoral laws dealing with the registra-

tion of political parties for advance publication as it is "more urgent than the rest of the electoral procedures." Commentators observed that this could prove problematic because of the integral relationship this section bears to other disputed aspects of the electoral laws and the constituent assembly proclamation. However, it now appears that the new UN stance may force this issue to be reconsidered.

2. Koevoet Disbandment UN Security Council Resolution 640 also reiterated provisions in the settlement plan requiring "the disbandment of all para-military and ethnic forces and commando units...as well as the dismantling of their command structures." The new resolution specifically included a call for the disbandment of Koevoet, the dreaded counter-insurgency unit created after passage of Res. 435 in 1978. Shortly before implementation of Res. 435, many of Koevoet's members were summarily transferred to the South West Africa Police, thus making them responsible, under its provisions, for the maintenance of law and order during the transition period. However, the AG's own Commission for the Prevention of Intimidation, concurring with other observers, noted on June 4, 1989, that "Koevoet remained in substance as a unit with its own command structure..."

In a dramatic gesture timed, many believe, to pre-empt consideration of the Koevoet issue by the UN Security Council, Namibia's Administrator-General Mr. Louis Pienaar announced over a week ago that, starting August 21, 1,200 former Koevoet members in SWAPO were to be confined indefinitely to their bases. The AG announced, however, that Koevoet could be redeployed should the security situation in Namibia "deteriorate." The ostensible reason given for the delay in the disbandment of Koevoet was to repel possible invasions by SWAPO's military wing, PLAN. Mr. Pienaar has repeatedly charged in recent weeks that uncertainty over the number of PLAN fighters who have returned to Namibia through the UNHCR repatriation process and those who have remained in UN-supervised bases in Angola north of the 16th parallel posed an "obstacle" to fair elections, and has publicly criticized the UN for withholding this information.

Despite the promise to confine Koevoet to bases by August 31, there is little if any evidence that Koevoet had indeed been sequestered. Instead, Casspir traffic in the north has increased considerably, and Koevoet patrols are still being seen along the northern border. Forsaking even the external pretense of incorporation into SWAPO, still-armed Koevoet members have reverted to wearing their green "bush" uniforms.

Koevoet members living in the Ondangwa area of northern Namibia, UNTAG was told, were being transported by bus each day at about 8:00 a.m. to Oshakati where, together with other Koevoet units, they remained in the main Koevoet base at Onimwandi until

about 4:30 p.m., when they were driven back to Ondangwa and released to go to their homes. When this version of confinement was rejected by UNTAG, SWAPOL Regional Commander Gen. Hans Dreyer, the founder of Koevoet, next suggested that all of "white Oshakati" -- the township where primarily white South African officials and their families live behind barbed wire and security checkpoints -- should constitute "the base" where Koevoet is "confined." UNTAG officials rejected this suggestion and are proposing that Koevoet members should be confined under guard 24 hours a day, seven days a week at designated locations the same way as South African Defense Force soldiers are confined. Moreover, they insist that Koevoet should be completely disarmed and demobilized and taken out of uniform. Also, since Koevoet is acknowledged to be a para-military, counter-insurgency force, it is proposed that they should be guarded, not by UNTAG police monitors, but by UNTAG military.

When questioned about how the demobilized Koevoet members would occupy themselves during their confinement, General Dreyer replied that they would be retrained in matters such as law, police administration, target practice and fitness.

3. Election Intimidation After an escalating series of incidents in recent weeks in which clashes between rival political factions had resulted in serious injuries, UNTAG officials have taken the initiative in an attempt to keep the political campaign situation under control. Following a directive from the office of the Special Representative Martti Ahtisaari, UNTAG regional directors met with leaders from the various political parties to draw up guidelines with respect to campaign conduct. The objective, according to UNTAG sources, is to make the parties responsible for the conduct of their members. Some of the issues raised and on which agreement was reached are:

- the need to avoid rallies by competing parties at the same place and time on the same day;
- the need to prohibit the carrying of firearms and other dangerous weapons at rallies;
- the need for parties to engage marshals to maintain order at rallies and other large gatherings;
- the need for increased communication among parties about planned events; and
- the need to avoid defacing rival political campaign materials.

While the UNTAG initiatives have been hailed as a good first step, reports of attacks, especially involving DTA bands, continue to flow from the north of the country. Doctors at Oshakati State Hospital confirm at least 10 cases of patients with serious injuries sustained at the hands of DTA assailants, and many others of people treated for minor injuries and then sent home. Injuries range from panga cuts to stab wounds to

persons shot with arrows. Although DTA officials deny any concerted campaign to target SWAPO voters, there have been reports of attacks by DTA members on places like the Engela returnee reception centre, and on people dressed in SWAPO colors on their way to SWAPO rallies or against people who refuse to give the DTA V-sign in preference for SWAPO's clenched fist salute.

In the June 4, 1989 opinion referred to above, the Commission for the Prevention of Intimidation found evidence of collusion between DTA supporters and the SWA Police: "[P]olice-men and people in DTA T-shirts attacked the SWAPO supporters with sticks, pangas, and other weapons..." Last weekend, while traveling in the north, a reporter from the British newspaper The Guardian photographed an armed DTA group in the company of SWA Police members. The group surrounded the car, banging on the windows and rocking the vehicle, while brandishing their weapons, in an effort to retrieve the film.

UNTAG monitors in the north have remarked that the DTA groups display better-than-usual awareness of the limits of UNTAG authority and are prompt to defy their directions. More disturbingly, several recent victims of DTA attacks have received notices to appear in court to answer charges of assault and intimidation. UNTAG officials are hoping that bringing the parties together to discuss differences and cooperate on solutions will help to ease tensions.

4. Pension Legislation Threat Information has leaked out in Windhoek about Administrator-General Louis Pienaar's plans to issue a proclamation "privatizing" the existing state pension fund. The civil service pension fund has current assets invested in government bonds, in stocks and shares and in Namibian and South African organizations, such as building societies. For each Rand contributed by its employees, the state contributes two. Under the newly-proposed system, the state pension fund would be handed over to private firms to manage, and civil servants would be given the option of withdrawing their accumulated benefits and placing them in retirement annuities controlled by South African-based financial institutions. The proposed legislation provides for the fund to be administered by a board of trustees dominated by appointees of the Administrator-General. Commissioner of Civil Pensions, Mr. Hugo Truter, confirmed the essence of the plan with media sources. However, the proclamation which was expected to be gazetted on September 1 has now been postponed until October 1, apparently to allow administrative details to be worked out.

The Secretary of Finance in the Administrator-General's office, Dr. Johan Jones, stated that the pension plan has been proposed in order to prevent panic among civil servants over fears, such as that provoked by a statement he attributed to a

member of SWAPO's election directorate, Mr. Anton Lubowski, that a future government might elect to use pension funds to balance government shortfalls. Mr. Lubowski has denied making any such statement, and Dr. Jones has been unable, in any event, to explain how apparent campaign rhetoric could provoke such a drastic response from the AG, or, indeed, justify the contemplation of legislation with such far-reaching economic consequences for the territory by what is essentially a transitional government. If implemented as proposed, privatization of government pensions could conceivably result in up to 1.2 billion Rand leaving a newly-independent Namibia.

In a strongly-worded statement condemning the plan, the Namibia Public Workers Union (NAPWU) and the Namibia National Teachers Union (NANTU) threatened to seek urgent court action if the legislation was not withdrawn.

5. SWAPO Detainees Issue UNTAG spokesperson Mr. Fred Eckhard announced on Thursday that a UN mission is set to depart for Angola where it will investigate whether SWAPO is still holding political detainees. Although SWAPO has consistently maintained that all its captives were freed in June, former detainees continue to charge that significant numbers of people - perhaps as many as 1,400 -- are still being held. In an effort to put the issue to rest SWAPO, last week, invited international bodies to inspect their camps. It is not clear whether any of SWAPO's accusers, ex-detainees presently in Namibia or members of the Parents' Committee, would be accompanying the UN delegation. Indeed, very few details about the delegation were disclosed. A radio report about the trip said that the group hopes to go to Zambia as well where other SWAPO camps were located. A UN spokesperson said that the delegation was prepared to stay as long as it took to uncover all the facts.

Meanwhile, following discussions with both ex-SWAPO detainees and SWAPO leaders on August 23 and 24, the Council of Churches in Namibia (CCN) released a press statement on the theme of reconciliation. While declaring themselves to be "totally opposed to the abuse of human rights by whoever and for whatever reasons," the seven signatory churches also welcomed the "willingness" on both sides to "express forgiveness," seeing this as a foundation on which "we can together build a new and vital nation." Further discussions are scheduled to take place.

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