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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION
OF SECURITY COUNCIL RESOLUTION 640 (1989) CONCERNING
THE QUESTION OF NAMIBIA

Introduction

1. The present report is submitted to the Security Council *in* accordance with paragraph 9 of Council resolution 640 (1989), of 29 August 1989, which, inter alia, requested the Secretary-General to report to the Council before the end of September on the implementation of that resolution. On 29 September 1989, the Council agreed to extend the deadline for the submission of the report until 6 October 1989 (see S/20874).
2. The operative part of resolution 640 (1989) reads as follows:
 - "1. Demands strict compliance by all parties concerned, especially South Africa, with the terms of resolutions 435 (1978) and 632 (1989);
 - "2. Further demands the disbandment of all paramilitary and ethnic forces and commando units, in particular Koevoet, as well as dismantling of their command structures as required by resolution 435 (1978);
 - "3. Calls upon the Secretary-General to review the actual situation on the ground with a view to determining the adequacy of the **military** component of UNTAG in relation to its ability to carry out its responsibilities as authorised under resolutions 435 (1978) and 632 (1989) and to inform the Security Council;
 - "4. Invites the Secretary-General to review the adequacy of the number of police monitors in order to undertake the process for any appropriate increase that he **may** deem necessary for the effective fulfilment of **UNTAG's** responsibilities;
 - "5. Reauests the Secretary-General, in his supervision and control of the electoral process, to ensure that all legislation concerning the electoral process is in conformity with the provisions of the settlement-plan;

"6. Further requests the Secretary-General to ensure that all proclamations conform with internationally accepted norms **for** the conduct of free and fair elections and, in particular, that the proclamation on the Constituent Assembly also respects the sovereign will of the people **of** Namibia;

"7. Requests the Secretary-General to ensure the observance of strict impartiality in the provision **of** media facilities, especially **on** radio and television, to all parties for the dissemination **of** information concerning the election;

"8. Appeals to all the parties concerned to co-operate fully with the Secretary-General in the implementation of the settlement plan;

"9. Expresses its full support for the Secretary-General in his efforts to ensure **that** Security Council resolution 435 (1978) is implemented in its original and definitive **form**, and requests him to report to the Council before the end of September on the implementation of the present resolution:

"10. Decides to remain seized **of** the matter."

3. The following sections **of** the present report address in turn the issues raised in paragraphs 2 to 7 of resolution 640 (1989). The penultimate section deals briefly with certain related aspects of the United Nations operation in Namibia which have **a** bearing on the implementation of resolutions 435 (1978) and 632 (1989). The concluding section contains **my** observations on the questions raised in paragraphs 1 and 8 of resolution 640 (1989).

Paramilitary and ethnic forces and commando units

4 In summary, the settlement plan 1/ contained the following provisions relating to the South African security forces in Namibia:

(a) With effect from the beginning of implementation, the United Nations Transition Assistance Group (UNTAG) would monitor the restriction to base **of** all personnel of the South African Defence Forces (SADF) and of the citizen forces, commandos and ethnic forces;

(b) The strength of SADF in Namibia would be reduced to 1,500 men within the first 12 weeks;

(c) Thereafter, the 1,500 **men** would be restricted to base at Grootfontein or Oshivello or both, monitored by UNTAG;

(d) Certain SADF personnel performing essential civilian functions would remain temporarily in Namibia, monitored by UNTAG;

(e) The citizen forces, commandos and ethnic forces would be demobilised and their command structures dismantled, with their **arms**, military equipment and ammunition being confined to drill halls under United Nations **supervision**.

5. Immediately preceding the beginning of implementation on 1 April 1989, the strength **of** the South African security forces in Namibia was as follows:

SADF	9 a95 a/
Citizen forces	5 450
Commando units	6 128
Ethnic forces	<u>9 270</u>
Total	<u><u>30 743</u></u>

a/ Of whom 1,015 were serving with the citizen forces, commando units and ethnic forces.

The counter-insurgency unit known as "Koevoet" is dealt with below.

6. The restriction to base of SADF personnel by UNTAG came into effect at the beginning of implementation on 1 April 1989. However, following the outbreak of hostilities in northern Namibia later that day, some SADF personnel moved out of their bases and full confinement was **not** restored until 13 May 1989. Thereafter, the withdrawal of the bulk **of** SADF personnel from Namibia was rapidly implemented and their strength was reduced to just under 1,500 by 24 June 1989, in accordance with the settlement plan. The remaining personnel, known as the "Merlyn Force", are confined to base, under the close monitoring **of** UNTAG, at Grootfontein and Oshivello, as provided for in the settlement plan.

7. **As** foreseen in the plan, some **SADF** personnel have remained temporarily in Namibia to perform certain essential civilian functions. **At** present they total 796, of whom the majority (495) are engaged in running four airfields in the north of the country, with 229 providing medical services and 72 working as teachers, veterinary officers, etc. **All of** them are unarmed and in civilian clothes and their activities are closely monitored by UNTAG. My Special Representative is actively discussing with various **specialized** agencies of the United Nations arrangements **for** the early substitution of civilians for these SADF personnel. In **particular**, a mission of the International Civil Aviation Organization (**ICAO**) will shortly visit Namibia to advise on arrangements for the four airfields.

a. In addition, 156 SADF personnel, all of whom are now described as civilian officials **of** the Administrator-General, staff a Department of Defence Administration which the Administrator-General has established within his administration. Their functions are the administration of **SADF** personnel remaining temporarily in Namibia to carry out civilian functions and the provision of bimonthly payments to the demobilized personnel of the ethnic forces (see below). I have expressed to the South African authorities my concern that this number of SADF personnel have been transferred to the Department of Defence Administration and my Special Representative and the Force Commander of UNTAG have repeatedly requested an early reduction in both the size and rank level of the Department of Defence Administration.

9. The citizen forces and commandos were demobilized by 31 March 1989, immediately before the beginning of implementation of the United Nations plan, and their arms, military equipment and ammunition were thereafter deposited in drill halls where they remain guarded by the military component of UNTAG.

10. The demobilization of the ethnic forces, now known as the South-West Africa Territorial Force (SWATF), was completed by 27 May 1989, with the exception described in paragraph 11 below. Their demobilization was closely monitored by officers of the military component of UNTAG. The arms, military equipment and ammunition of SWATF were either removed to South Africa by SADF or deposited in drill halls where they are guarded by the military component of UNTAG. Initially, the South African authorities took the position that the personnel of SWATF had been **sent** "on leave". This position, being at variance with the provisions **of** the settlement plan, was taken up with the **South** African authorities, which thereupon issued certificates of demobilization to all the personnel concerned. However, the South African authorities have continued to pay the demobilized personnel on a twice-monthly basis, on the grounds that various problems could result if their employment was abruptly terminated and they were left without other means of support.

11. The exception to this demobilisation concerns the two bushmen battalions of SWATF, whose current strength is 1,351 soldiers. These were not demobilized like the other SWATF units, because their personnel had become completely alienated from their traditional way of life. Their families live with them in their camps and they would have had no other means of livelihood if sent away from those camps. They are closely monitored by the military component of UNTAG to ensure that they do not leave their camps or undertake any military activities.

12. The command structures of all the above units have been largely dismantled. However, in addition to expressing concern about the size of the Department of Defence Administration, as indicated above, I have also been obliged to raise with the South African authorities the "regional offices" which have been **set** up to handle the bimonthly payments to demobilized SWATF personnel. Initially, these offices were located in what had previously been the headquarters of the demobilized battalions and their staff normally included the former battalion commander, his deputy and at least some of the company commanders. I took the position, that if those offices existed only to pay the demobilized SWATF soldiers, they should be staffed by specialist pay personnel, in order to avoid any suspicion that the arrangements for paying the demobilized personnel were in fact intended to facilitate their rapid **remobilization**. In response, the South African authorities moved the regional offices away from the former battalion headquarters and reduced to one the number of ex-commanders in each office. Following these measures, the Force Commander has reported that, in his view, the command structures of the SWATF battalions have, for all practical purposes, been dismantled.

Koevoet

13. The counter-insurgency unit known as "Koevoet" was formed by the South African authorities after the adoption of Security Council resolution 435 (1978) and is not therefore specifically mentioned in the settlement plan. As indicated in paragraph 42 of my report of 23 January 1989 (S/20412), I had taken the position with the South African authorities that Koevoet was a paramilitary unit and should therefore be disbanded, like other paramilitary units, at the beginning of the implementation of the United Nations plan, if not sooner. In December 1988, I was informed by the Minister for Foreign Affairs of South Africa that Koevoet would be disbanded - a decision which I welcomed. However, it subsequently became known that, following disbandment of Koevoet as a unit, approximately two thirds of its estimated 3,000 members had been absorbed into the South-West Africa Police (SWAPOL). After the clashes which occurred between combatants of the South West Africa People's Organization (SWAPO) and the South African security forces in the early part of April 1989, the South African authorities reconstituted Koevoet as a unit, on the grounds that SWAPO combatants had crossed the border from Angola into Namibia. In mid-May the South African authorities stated that Koevoet had again been disbanded, but most of its personnel were once more reabsorbed into SWAPOL.

14. This arrangement was inconsistent with the settlement plan. Although ostensibly members of SWAPOL, many of the ex-Koevoet personnel continued to operate in the same manner as they had before the disbandment of Koevoet. This included the use of the armoured personnel carriers known as "Casspirs" mounted with heavy machine guns. UNTAG received many complaints of intimidation and other unacceptable conduct by ex-Koevoet personnel and UNTAG police monitors were on a number of occasions themselves witnesses of such behaviour. The use of Casspirs and heavy machine guns was inconsistent with the provision in the settlement plan that "the police forces would be limited to the carrying of small arms in the normal performance of their duties". 2/ It also became clear that many of the ex-Koevoet personnel did not fulfil the condition of suitability for continued employment in the police forces during the transition period which is also stipulated in paragraph 9 of the settlement plan.

15. Accordingly I took the position with the South African authorities that, in order to comply with the settlement plan, all ex-Koevoet personnel should be removed immediately from SWAPOL as well as from any other security-related duties. On 28 September 1989 the South African Foreign Minister and the Administrator-General announced that some 1,200 ex-Koevoet members of SWAPOL at Oshakati would be demobilized with effect from the following day. I was told that these personnel amounted to some 45 per cent of SWAPOL strength in the Oshakati district. Like the demobilized personnel of SWATF they would continue to be paid until after the election. It has however been established that these payments will be made by the Administrator-General's Department of Finance and assurances have been given to me that the ex-Koevoet members will have no continuing contact with SWAPOL. The demobilization of these personnel is being closely monitored by UNTAG. I consider this as a step in the right direction, though I have told the South African authorities that there should be no further payments other than termination payments. I am now pressing for the demobilization of the remaining ex-Koevoet personnel who are still serving with SWAPOL elsewhere than in the Oshakati district.

Military component of UNTAG

16. It will be recalled that in paragraph 54 of my report of 23 January 1989 (S/20412), I submitted to the Security Council a concept of operations for the military component of UNTAG which, given the differences of opinion then existing within the Council about the size of the military component, seemed to offer the best available prospect of fulfilling my mandate of ensuring the early independence of Namibia through free and fair elections under the supervision and control of the United Nations, while at the same time enjoying the necessary financial support from the Members of the Organization. As foreseen, that compromise proposal, which I put forward with some reluctance, was not found wholly satisfactory either by those who wished to maintain the military component at the level foreseen in 1978 or by those who were concerned at the size and expense of the UNTAG operation. The question was further addressed in paragraphs 4 and 5 of the explanatory statement which I presented to the Council on 9 February 1989 (S/20457). The Council subsequently adopted resolution 632 (1989) in which it approved my report of 23 January 1989 and the explanatory statement of 9 February 1989. As promised in the latter document, I have kept under constant review throughout the six months during which UNTAG has been in existence both the deployment of the military component and its size in relation to its ability to carry out its full mandate in the actual situation on the ground.

17. The strength of the military component has been sufficient to enable it to carry out the tasks on which it was proposed (S/20412, para. 54 (a)) that the Force Commander should concentrate. UNTAG military monitors have monitored the restriction of SADF troops to base, the withdrawal of most of those troops to South Africa and the restriction of the remaining 1,500 (known as the "Merlyn Force"!) to base at Grootfontein and Oshivello. Monitors have also closely monitored the activities of SADF military personnel who, as described above, have remained temporarily in Namibia to carry out certain essential civilian functions. In addition, UNTAG monitors have monitored the demobilisation of the citizen forces, commando units and ethnic forces, the dismantling of their command structures and the confinement of their arms and ammunition to drill halls where they are guarded by elements of the UNTAG infantry battalions. The infantry have also guarded bases and other installations, especially in the northern part of the country. These vital installations included the reception centres set up by the United Nations High Commissioner for Refugees (UNHCR) to receive Namibians returning from exile (see para. 48 below).

18. UNTAG also established a detachment of military monitors in Lubango in Angola, with a liaison office in Luanda, to verify the confinement to base by the Angolan Armed Forces of SWAPO combatants remaining in Angola. In this aspect of its mandate UNTAG has encountered problems, which were particularly acute at the start of its mandate in April and which have been taken up on many occasions both with the Angolan authorities and with SWAPO. The great majority of the SWAPO combatants in Angola have now returned to Namibia as unarmed civilians under the UNHCR repatriation programme. In recent weeks there has been a notable improvement in the arrangements made for UNTAG to verify the confinement to base of the less than 300 SWAPO combatants who remain in Angola in the vicinity of Lubango and this matter will continue to receive UNTAG's close attention.

19. The military component of UNTAG has also been able to play an important role in carrying out the two other tasks assigned to it, namely monitoring the cessation of hostile acts by all parties and keeping the borders under surveillance and preventing infiltration. All crossing points from South Africa and Walvis Bay are monitored by means of permanently manned check-points established by the military monitors of UNTAG, who also patrol regularly along the borders between the crossing points. In the north, the Finnish and Malaysian battalions of UNTAG mount as many daily patrols along the border as their strength permits. This work is shared with the police monitors of UNTAG who, as described below, accompany patrols of SWAPOL in their own patrols along the border and are thus able to help keep the border under regular surveillance.

20. Experience has shown that the military component can make a further contribution to the creation of conditions for **free** and fair elections by means of another activity not specifically referred to in my report of 23 January 1989. This is the mounting of regular patrols in populated areas in order to strengthen confidence by advertising the UNTAG presence and giving the people opportunities to raise their security concerns with UNTAG. Such patrols are carried out daily by both the infantry battalions and the military monitors. **As** in the case of border surveillance, **UNTAG's** police monitors also make an important contribution to this work through their **own** regular patrolling of populated areas. Patrolling by all three elements - infantry, military monitors and police monitors - is carefully co-ordinated in order to ensure the most effective use of the resources available to my Special Representative and the Force Commander.

21. I am satisfied that the existing strength of the military component is, for the present, sufficient to permit it to carry out its tasks as described in my report of 23 January 1989 (S/20412) and my explanatory statement of 9 February 1989 (S/20457). I shall however continue to keep the situation very carefully under review and will not hesitate to revert to the Security Council if the situation on the ground requires the deployment of additional military personnel to Namibia.

UNTAG police monitors (CIVPOL)

22. Since the implementation of the settlement plan began in April 1989, I have also kept under constant review the adequacy of the number of police monitors assigned to UNTAG. The settlement plan entrusts to the Administrator-General the primary responsibility for the maintenance of law and order, for which he is to use the existing police forces. With the withdrawal of most of the SADF personnel and the confinement of the remainder to base, together with the demobilization of SWATF, the only security forces available to the Administrator-General are SWAPOL. It was always clear that the conduct of SWAPOL would be one of the factors which would determine whether conditions existed for free and fair elections. For this reason, it was decided in 1978 that UNTAG should contain a police element to monitor the manner in which SWAPOL carried out its duties. It will be recalled that, in paragraph 42 of my report of 23 January 1989 (S/20412), I proposed that the number of police monitors be increased from the 360 previously envisaged to 500, following a substantial increase in the size of SWAPOL since 1978. Experience on the ground has since led my Special Representative twice to recommend further

increases of 500 officer:: and my proposals in this regard were approved by the Security Council on 26 May 1989 (S/20658) and 28 September 1989 (S/20872) respectively. The strength of CIVPOL will thus shortly reach 1,500 police monitors contributed by the following 26 Member States: Austria, Bangladesh, Barbados, Belgium, Cameroon, Canada, Egypt, Fiji, German Democratic Republic, Germany, Federal Republic of, Ghana, Guyana, Hungary, India, Indonesia, Ireland, Jamaica, Kenya, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Singapore, Sweden and Tunisia. The police monitors are currently deployed in 39 CIVPOL police stations and 10 other such stations will be opened shortly.

23. Experience has confirmed the necessity of monitoring SWAPOL very closely. Many SWAPOL members are thoroughly professional police officers who carry out their duties in an objective and impartial manner. Unfortunately, however, this cannot be said of all of them. Reference has been made in the preceding section of this report to the misconduct of elements who had previously served in Koevoet and who do not appear to understand or appreciate the role of civilian police officers. That problem is now partly resolved (see para. 15 above) but my Special Representative will continue to ensure that UNTAG monitors very closely all the activities of SWAPOL. Wherever possible, CIVPOL accompanies SWAPOL on its patrols: it also conducts independent patrols of its own, on foot and by vehicle, including mine-resistant vehicles in the Oshakati district. Thus, during September CIVPOL undertook a total of 4,971 patrols, 1,967 of them jointly with SWAPOL.

24. CIVPOL has however encountered a certain lack of co-operation by SWAPOL in some crucial areas of its operations. It has not yet, for instance, been possible to reach agreement on the right of CIVPOL to visit detainees in the custody of SWAPOL at SWAPOL stations. CIVPOL has also been prevented by SWAPOL from being present when statements are taken from SWAPOL members accused of offences. Regarding other witnesses or complainants, the reaction of SWAPOL has not been uniform. In some instances, CIVPOL has been present, in others this has not been permitted. SWAPOL has also, on occasions, failed to inform CIVPOL accurately of its schedule of patrols, thus making it difficult for CIVPOL to ensure that all SWAPOL patrols are monitored; this has been a particular problem with the ex-Koevoet personnel who have often categorically objected to being monitored by CIVPOL. Nor has SWAPOL always shared with UNTAG information relevant to the security situation in Namibia, though it has often made unsubstantiated allegations of imminent infiltration by SWAPO combatants from southern Angola. It is clearly important that security information should be shared with UNTAG, in order to help to prevent any recurrence of disturbing terrorist incidents which have taken place in recent weeks, including a murderous attack on UNTAG locations at Outjo on 10 August 1989 and the assassination of a leading official of SWAPO in Windhoek on 12 September 1989.

25. CIVPOL has also required additional personnel in order to deal with complaints received from Namibians who do not wish to address themselves directly to SWAPOL. Such complaints have been voiced against SWAPOL, especially its ex-Koevoet elements, and against former military personnel of SADF and SWATF, political parties and private citizens. Complaints which CIVPOL receives are transmitted to SWAPOL for investigation, since the Administrator-General has primary responsibility for the maintenance of law and order. However, the SWAPOL

investigations are closely monitored by CIVPOL. In many cases they have proceeded very **slowly** and there is a risk that **some** of them, including **some** serious cases of homicide, will not be completed within the transition period, with the result that important and crucial evidence **may** thus be **lost**.

26. Finally, CIVPOL plays an important role in the **current** electoral process. It attends and monitors political gatherings, whether or not SWAPOL is present. **Its** presence at such gatherings has **always** been found to have a calming effect. During the month of September CIVPOL attended 284 political rallies. During the registration of voters (see below), CIVPOL deployed monitors at all registration centres, whether permanent or **mobile**. It will similarly be present at all polling **stations** in the forthcoming election.

27. It will be clear from this brief survey of **CIVPOL's** activities that its role in ensuring conditions for a **free** and fair election is of central importance. It is also clear that in **some** respects CIVPOL is not yet receiving in full the co-operation which it needs from SWAPOL. This is **a matter** on which **my** Special Representative has made many representations to the South African authorities at a senior level. He will continue to do so. Meanwhile, I am satisfied that, when the 500 additional police officers recently agreed to **have** been deployed to **Namibia**, **CIVPOL's** strength will **be** adequate to carry out its functions in present conditions. But if the situation should deteriorate and **my** Special Representative should feel compelled to recommend a further increase I shall not hesitate to revert to the Council.

Electoral legislation

28. The Council will recall that, after **some** preliminary consultations between the Special Representative and the Administrator-General, the latter published, on 21 July 1989, a draft Election (Constituent Assembly) Proclamation and requested "comments or representations" within 21 days.

29. In spite of the prior contacts, this draft proclamation was highly problematic from the point of view of the United Nations and evidently required major changes if it was to **become** acceptable to myself and **my** Special Representative. That this was **so became even** more evident on the basis of **comments** that were received, both in Windhoek and New York, from the representatives of several **Member States**, from intergovernmental and non-governmental organizations, from various interest groups **and** from private individuals. Many of these comments were based on **first-hand** observations made in the **course** of visits to Namibia. In addition, the Administrator-General made available to the Special Representative the extensive comments that he received, by mid-August, from many political parties and other organizations in Namibia.

30. The principal criticisms that were reflected in these **comments**, which **served** to reinforce **my own** views, centred on the following features of the draft Proclamation:

(a) All voters were to be required to cast their ballots in numbered envelopes, as part of a verification system that would have made it possible to

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check, after the polling had been concluded, the legitimacy of every voter who had cast a ballot and to remove all envelopes containing ballots cast by unqualified voters or otherwise in any fraudulent manner. Whatever the theoretical merits of such a system, it would have constituted a potentially serious departure from secrecy of the ballot, which is an important requirement of the settlement plant

(b) As part of the same proposed system it would have been necessary to count all the votes exclusively in Windhoek, a procedure which would have constituted a marked departure from the almost universal practice of counting ballots locally;

(c) Furthermore, this system would have resulted in an excessive delay in completing the count of all the ballots, initially estimated by the Administrator-General as some two weeks and by experts advising the Secretariat as up to five weeks;

(d) Voters were to be permitted to cast their ballots anywhere within the territory of Namibia, regardless of where they had been registered or of where they were resident or employed,

(e) Illiterate voters who needed assistance in marking their ballots in the voting booth would have been required to secure such assistance exclusively from electoral officials who were appointees of an administration which many of them would not be inclined to trust;

(f) The political parties would have been kept away from the voting process itself, because their representatives were to be excluded from polling stations and from the places where the ballots were to be verified and counted,

31. Prolonged and difficult negotiations were required in order to obtain agreement on the amendments necessary to make the draft proclamation acceptable to myself and my Special Representative. These negotiations continued throughout much of August and September and were successfully concluded only on 6 October 1969.

32. Because of the slow progress of the negotiations, it became evident late in August that those portions of the draft election proclamation which dealt with the procedure for registering the political parties for the election would have to be separated out and incorporated into separate legislation. This was because it was necessary for various reasons - both from the point of view of those responsible for conducting and supervising the election and from the point of view of the political parties - that the latter be permitted to register formally and record their names, abbreviations and distinctive symbols without waiting for agreement to be reached on the Election Proclamation as a whole. Consequently it was agreed to negotiate first on the text of a Registration of Political Organizations (Constituent Assembly) Proclamation. This was promulgated on 4 September 1969.

33. The Proclamation provided for the appointment of a Chief Electoral Officer (to which post the official who had served as the Chief Registration Officer under the earlier Registration of Voters (Constituent Assembly) Proclamation was appointed) and for the submission to a Registration Court of the applications of political parties to be registered, using names, abbreviations and symbols proposed by

themselves. That Court then made recommendations to the Administrator-General for the acceptance **or** rejection of these registrations, and the latter undertook (by means of an exchange of letters with **my** Special Representative) to act on such recommendations only with the concurrence of the Special Representative.

34. Pursuant to the Proclamation, 11 political parties submitted applications to the Registration Court on **or** before its first sitting on 12 September 1969. Of these, **nine** were considered qualified immediately, while two others did not then have the 2,000 signatures **of** registered voters required to support an application. The Court therefore allowed these parties two extra **weeks** to submit the required number of signatures; in the event, one of these did so and the **other** was not able **to**. Therefore 10 political parties will participate in the election. With the completion of the formal registration of the parties, it became possible to arrange for the preparation of the counterfeit-proof ballot papers by printers located outside **Namibia and** South Africa.

35. Once the Registration of Parties Proclamation was completed, negotiations continued on the remaining part of the election legislation. I am satisfied to be able to report that these negotiations have been completed successfully. The promulgation **of** the agreed Election Proclamation, together with the publication of a related exchange of letters between **my** Special Representative and the Administrator-General setting out in detail the manner **in** which UNTAG will exercise supervision and control of the election, will take place during the next few days,

36. All the principal difficulties referred to **in** paragraph 30 **above** have been satisfactorily resolved, **in** particular!

(a) The normal voting procedure will no longer involve the use of numbered envelopes, but ballots will be deposited directly into sealed ballot boxes. Only voters about whose registration or identity there is agreed to be **some** doubt will be required to use "**tendered** ballots", a double envelope system that will permit the resolution of any such doubts **before** their ballots are counted or rejected, but without compromising the **confidentiality** of their votes

(b) All except the tendered ballots will be counted at 23 electoral district headquarters;

(c) It is expected that the counting **of** the **ballots** locally and without the elaborate pre-count verification originally foreseen will take considerably less time;

(d) Voters are generally to cast their ballots in the districts in which they are registered, though those who cannot do so will not be disenfranchised but permitted to vote through tendered ballots;

(e) The UNTAG supervisor will always be present when voters who are not able to read and who require assistance receive the necessary instructions regarding the manner of voting from the presiding officer or his designated official. The voter will then cast his ballot alone in the voting booth;

(f) Representatives of political parties will be able to observe all proceedings at polling stations, without being in a position to influence or intimidate voters or breach the secrecy of the voting procedures, they will also be able to attend the verification and counting of the ballots.

In addition, it has been decided that the polling period will extend from Tuesday, 7 November, to Saturday, 11 November 1989.

37. Certain provisions, which were originally intended for inclusion in a separate Proclamation on the Constituent Assembly (see below) concerning the convening and functioning of the Assembly about to be elected, have been transferred to the Election Proclamation. In particular, the **size** of the Assembly (72 members) and the qualification required of its members (registered voters over the age of **21**) will now be specified there.

38. The political parties in Namibia have been informally acquainted with the changes agreed between my Special Representative and the Administrator-General during these negotiations. I am confident that the Election Proclamation which is **about** to be promulgated conforms both **with** the provisions of the settlement plan and with internationally accepted norms for the conduct of free and fair elections, as stipulated in paragraphs 5 and 6 of resolution 640 (1989).

Legislation on the Constituent Assembly

39. A draft Proclamation on the Constituent Assembly was published by the Administrator-General for public comment on 21 July 1989, at the same time as the draft Election Proclamation. Now that final agreement has been reached on the latter, discussions between my Special Representative and the Administrator-General will begin on the draft relating to the Constituent Assembly. It too will require many changes. In its present form it is unacceptable to me in many of its concepts as well as its details, not least because **it** fails to take into consideration the new realities which will **come** into being upon certification of the results of Namibia's first-ever free and fair election.

Impartiality of the media

40. As indicated in paragraph 7 of resolution 640 (1989), radio and television are of special importance in a society where the illiteracy rate is high and the printed media are all, in varying degree, partisan. Radio and television are the responsibility of the South-West African Broadcasting Corporation (SWABC) which is a parastatal corporation established under local legislation. The Administrator-General has ultimate responsibility for its activities. Its powers are exercised by a board whose members are appointed by him. The present board consists of a number of persons recommended for appointment by the former so-called transitional government which was dissolved in accordance with the impartiality package approved by resolution 632 (1989) (see S/20635, annex, para. 7). It is in effect the last essentially political body of this kind which has not been dissolved following agreement on implementation of the settlement plan.

41. UNTAG has for some months been discussing the content and direction of the SWABC programming with representatives of the Administrator-General, and **has** put forward a series of proposals designed to deal with the **many** allegations of bias in the SWABC choice and presentation of news and current events. **My** Special Representative has emphasized the particular need for SWABC, given its monopoly position and the **high** degree of dependence upon it by the majority of the population, to achieve total impartiality and even-handedness. Substantial reform is especially necessitated by the rapid and dynamic process of social change which is now taking place in the Territory as a result of the long-delayed implementation of the transition to independence,

42. In response to **my** Special Representative's repeated representations on the subject of equal access by the political parties to the broadcasting facilities of SWABC, the Administrator-General informed him on 15 **September** that **registered** political parties would have equal access to set periods of air time on both television and radio. The parties had also agreed on the manner in which SWABC would give coverage to political meetings, **news** conferences and media releases and on a number of consequential arrangements. They had also agreed to establish a standing consultative committee at which they would regularly **meet** with **SWABC's** management. While welcoming these reforms, my Special Representative noted that they dealt only with the remaining six-week period leading to the elections themselves. They would not resolve the underlying problem of editorial decision-making, which on this basis would remain throughout the transition period under the control of **an** unrepresentative board answerable only to the Administrator-General. Accordingly, **my** Special Representative has required that the board be replaced by a management or editorial committee **that** will ensure the full adaptation of a vital medium of information to the **current** changes in Namibian society and the transformation in its political circumstances.

43. It may be useful, at this point in the present report, to acquaint the Security Council with the UNTAG information programme, which has a critical role to play in informing the Namibian people about the settlement plan and the opportunity it gives them to determine their own future. **A full** and integrated operation is now under way under the direct supervision **of my** Special Representative. It involves radio, television, the **use of** video and other visual materials, print journalism and the activities of the UNTAG 42 regional and district offices.

44. Daily radio broadcasts have been transmitted in all the main languages of the **country** since 12 June 1989, dealing with all aspects of the UNTAG mandate. Texts are regularly carried by the local news agencies and newspapers. Programmes are **now** focused on familiarizing the electorate with **all** aspects of the election process and emphasizing certain basic themes such as the secrecy of voting. Since July, a weekly television slot has also been made available to UNTAG at a peak viewing hour, and an increasingly varied use is made of this facility, each programme **dealing** with a major current issue **of** the week, **e.g.** the UNTAG supervisory role in the registration process or the code of conduct for political parties (see below). **These** programmes, and other materials produced by UNTAG, are also made available to the UNTAG regional and district offices, **most** of which have now been equipped with video-cassette recorder and monitor facilities. Production

is under way of instructional and voter-education films on the elections and the process of voting, as well as posters and leaflets on the voting process in the major languages.

45. The UNTAG regional and district offices have an important part to play in providing prompt and accurate information about the election to the people in their area. During the past six months, UNTAG civilian personnel have addressed countless meetings in every part of the country, and have made early and continuing contacts with community, party and other opinion-leaders. Many UNTAG offices have become established as the principal sources of objective and reliable information in a Territory that has long been starved of it.

Other aspects of the implementation of the settlement plan

46. The preceding sections of the present report have addressed the specific points referred to in paragraphs 2 to 7 of resolution 640 (1989). The Security Council may wish to be aware of some other important aspects of the implementation of the settlement plan which are not specifically referred to in that resolution but are of clear relevance to it, as follows.

Amnesty

47. In accordance with paragraph 7 (c) of the settlement plan, 1/ the granting of a full and unqualified amnesty to all Namibian exiles was considered to be an essential prerequisite for their voluntary repatriation under the auspices of UNHCR. The draft Amnesty Proclamation proposed by the Administrator-General contained a distinction between political crimes and common law/statutory crimes. This was not acceptable to me and protracted discussions took place with the South African authorities, both in Windhoek and in New York, which led eventually to agreement on an unqualified amnesty for all Namibian exiles. This was promulgated on 6 June 1989 and permitted the beginning of the repatriation operation, which had been delayed for several weeks pending agreement on the amnesty,

Repatriation of exiles

48. This operation was entrusted to UNHCR, which established three air and three land entry points and five reception centres in central and northern Namibia to receive, register and materially assist the returnees, of whom some 41,000 had registered world wide for repatriation. By 29 September, 41,748 Namibians from 46 countries had returned home and all but 579 had resettled into their former communities. UNHCR has informed me that the cost of this efficient operation has amounted to \$39.1 million (compared with an original estimate of \$38.5 million). So far \$30.2 million has been pledged by the donor community, leaving a balance of \$8.9 million which still needs to be raised. I take this opportunity to appeal to the international community to contribute the necessary funds to cover this balance.

49. In addition the return of so many exiles has created an urgent reintegration problem. In order to address this, an inter-agency mission, comprising

representatives from the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Children's Fund (UNICEF), UNHCR and the World Health Organization (WHO), in consultation with the World Food Programme (WFP), visited Namibia for one month in July/August 1989 and formulated proposals for an emergency rehabilitation programme of some \$20 million in the sectors of shelter, agriculture, health, education, water, income generation and family support.

Release of political Prisoners and detainees

50. Paragraphs 7 (b) and 7 (c) of the settlement plan ~~1/ require~~ the release of ~~all~~ Namibian political prisoners or political detainees. On 24 May 1989, UNTAG military observers stationed in Angola were enabled to interview about 201 former detainees who had been released by SWAPO. On 4 July 1989, 153 ex-detainees, including 18 children, were repatriated to Namibia from Angola, followed by two further groups of 63 and 16 on 29 July 1989 and 8 August 1989 respectively. On 20 July 1989, 25 Namibian political prisoners were released by the South African authorities from the central prison in Windhoek. In the case of both the South African authorities and SWAPO, it has been alleged that additional persons remain in detention and are yet to be released. As regards South Africa, the Administrator-General has replied that the persons on the lists submitted to him in this regard have either been released or are unknown to the South African authorities. As for SWAPO, it has stated that it no longer holds any detainees and has invited the international community to investigate allegations that a number of persons are still in SWAPO detention in Angola and Zambia or are otherwise unaccounted for. My Special Representative accordingly decided, with the agreement of the Governments concerned and of SWAPO, to send a mission to Angola and Zambia in order to ascertain whether any Namibians were still detained by SWAPO at certain specific locations or elsewhere and, if so, to ensure that appropriate arrangements for their release and voluntary repatriation were promptly made. The mission left Namibia on 2 September 1989 and returned on 21 September 1989, having visited virtually all sites in Angola and Zambia where persons had reportedly been detained. It is at present preparing its report to my Special Representative and I will revert to this matter in due course.

Repeal of restrictive and discriminatory laws

51. In accordance with paragraph 7 (a) of the settlement plan, ~~1/ my~~ Special Representative discussed with the Administrator-General the repeal of all laws which might abridge or inhibit the holding of free and fair elections. Two Repeal Proclamations have been enacted, the first of which was widely considered to have repealed the bulk of discriminatory laws. At the request of my Special Representative, the first Proclamation made provision for further repeals at the request of the public, while not prejudicing the right of the Special Representative himself to call for further repeals. In fact, no member of the public has taken advantage of these provisions. However, I and my Special Representative have on several occasions drawn the Administrator-General's attention to the continued existence of the system of ethnic administration created by Proclamation AG 8, whose repeal has been requested by the great majority of political parties in Namibia. So far, the Administrator-General has taken the position that repeal of this Proclamation is outside the scope of the settlement

plan as it does not abridge or inhibit the holding of free and fair elections. I continue to believe that the spirit, if not the letter, of the settlement plan requires the repeal of this legislation.

Registration of voters

52. The registration of voters began on 3 July 1989 and ended on 23 September 1989. It proceeded in an orderly way, and without serious incident, under the close supervision and control of UNTAG. Almost 700,000 voters were registered, with only 593 applications being rejected, in each case with the concurrence of the UNTAG supervisor. A more detailed account of this successful exercise is attached as annex I and the text of the exchange of letters between my Special Representative and the Administrator-General setting out the manner in which UNTAG exercised supervision and control is contained in annex II.

Code of conduct for the political parties

53. On 19 July 1989, I convened, at UNTAG headquarters in Windhoek, a meeting of leaders of all the major political parties of Namibia, at which I suggested to them that they should have regular such meetings with my Special Representative. They accepted my proposal and are now meeting fortnightly in Windhoek. Similar meetings take place throughout the Territory, at virtually all the UNTAG regional and district offices, with the regional director or district head in the chair, to discuss matters of common concern arising out of the election process. At such a meeting, on 12 September in Windhoek, nine major political parties signed, with my Special Representative as witness, a code of conduct by which they mutually agreed to regulate their electoral behaviour. The text is given as annex III to the present report. It states in part that "an essential part of free and fair elections is freedom of political campaigning. Everyone has the right to put forward their political principles and ideas, without threat or fear, to every other person, without exception. But freedom of political campaigning also carries responsibilities, including the duty to accept every other person's freedom to campaign". The Code contains 16 articles, dealing with such questions as intimidation; the carrying of weapons; the regulation of the holding of meetings and rallies; the use of violent or inflammatory language; the secrecy of the ballot; non-disruption of meetings; non-destruction of others' campaign materials; access to all voters; systems of communication and liaison; and self-policing and self-enforcement. The parties also undertook, most importantly, to accept and respect the outcome of the elections if certified as free and fair by my Special Representative. They, and UNTAG, promised to publicize the Code by all means at their disposal throughout Namibia,

Observations

54. Paragraph 1 of resolution 640 (1989) demanded strict compliance by all parties concerned, especially South Africa, with the terms of resolutions 435 (1978) and 632 (1989). and paragraph 8 of that resolution appealed to all the parties concerned to co-operate fully with the Secretary-General in the implementation of the settlement plan. It goes without saying that it is an inescapable condition for the successful implementation of the United Nations plan for Namibia that all

concerned should both comply fully with all aspects of that plan, including the agreements and understandings referred to in paragraph 35 of my report of 23 January 1989 (S/20412), and co-operate with **me and my** Special Representative **as** we **carry** out the tasks entrusted to us **by** the Security Council.

55. The present report has described frankly the areas where compliance by the parties with the requirements of the settlement plan has been less than complete. It has referred to my continuing concerns about the presence of ex-members of Koevoet in SWAPOL, as well as to the continuing problems concerning the co-operation which UNTAG's police monitors must receive from SWAPOL if they are to be able to carry out their duties effectively. It **has** described the arduous negotiations which have been necessary to ensure that legislation promulgated by the Administrator-General is **in** conformity with the settlement plan. It has also referred to the difficulties which **UNTAG** has encountered in verifying the confinement to base of SWAPO combatants in Angola. These are serious problems and they have understandably been **of** concern to **various of** the parties involved and to **the** international community more widely. Some of them have **now** been resolved or are on the way to solution, and I am glad to be able to report to the Council that all the parties involved have increasingly complied with the requirements of the **settlement** plan and have given **me** reason to believe that they will continue to do **so**.

56. Their continuing co-operation is essential, not least because UNTAG has not had conferred upon it the power to compel them to honour their undertakings or to enforce the provisions of the settlement plan. My Special Representative and I have, of course, made full use of the authority entrusted to us by the Security **Council**, **notably** as regards UNTAG's task of supervising and controlling the electoral process. The exchange of letters concluded between **my** Special Representative and the Administrator-General on the registration of voters contained the important provision that no application for registration could be rejected without the concurrence of the UNTAG supervisor on the spot (see annex II, **para.** 17). The same principle will be applied to various aspects of the election itself and will be enshrined **in** a further exchange of letters **between my** Special Representative and the Administrator-General relating to the Election Proclamation. I can assure the Security Council that, by this means, as well as by argument and persuasion, I and **my** Special Representative will continue to do everything in our power to ensure that the decisions of the Council are properly carried out.

57. **As** we now approach the election itself, the decisive moment at which the people of Namibia will at last have the opportunity to determine their own future, there is **one** group of "parties" whose co-operation will be especially important. I refer to the political parties that will participate in the election and to their supporters both inside and outside Namibia. The Code **of** Conduct which the party leaders signed with **my** Special Representative on 12 September 1989 is a document of central importance. It gives reason to hope that the parties will conduct the election campaign in a truly democratic manner, that (despite **some** recent ugly incidents) they will ensure that their supporters do likewise and that they will all accept the outcome of the election. It is no exaggeration to say that Namibia's ability to make a peaceful and prosperous transition to independence will

to a large extent depend upon the manner in which the political parties honour those pledges.

58. In submitting this **report**, I wish to pay tribute to my Special Representative, Mr. Martti Ahtisaari, to the Deputy Special Representative, Mr. Joseph Legwaila, to the Force Commander, Lieutenant-General **Dewan** Prem Chand, and to all the civilian and military personnel of UNTAG, who come from 109 different countries, **for** the remarkable manner in which they continue to **carry** out their complex responsibilities in the often arduous circumstances which UNTAG has had to face.

Notes

1/ Official Records of the Security Council, Thirty-third year. Supplement for April, May and June 1976, document S/12636.

2/ Ibid., para. 9 .

Annex I

Reaistration of voters

1. On 24 April 1989, the Administrator-General circulated a draft proclamation on the registration of voters for general information and **comment** within 21 days *from* the date of its publication. On 25 April 1989, my Special Representative issued a statement on the draft proclamation in which he stated that he had reached agreement with the Administrator-General that the latter should proceed immediately with soliciting the views of the Namibian public, including the political parties, on principles and procedures for the registration of voters for the forthcoming election to be held under the supervision and control of the United Nations. Pending receipt of comments by the general public, including the political parties, my Special Representative reserved his position on all aspects of the draft proclamation in order to enable him to take into account the views expressed, particularly by the political parties, in finalizing the draft proclamation with the Administrator-General as provided for in **the** settlement plan.

2. on 26 June 1989, following extensive discussions between the two sides, my Special Representative concluded an exchange of letters with the Administrator-General, which stipulated the way and manner in which **my** Special Representative would supervise and control the entire registration process in Namibia. On the basis of the agreements contained in the exchange of letters, my Special Representative expressed himself satisfied with the draft proclamation on the **registration** of voters. The Registration of Voters (**Constituent** Assembly) Proclamation was accordingly published in the Official Gazette on 28 June 1989. The exchange of letters between the Special Representative and the Administrator-General was published in the Official Gazette on 1 July 1989.

3. The registration of voters began on 3 July 1989 and was originally scheduled to close on 15 September 1989. Following consultations between my Special Representative and the Administrator-General, the period was extended to 23 September 1989, in order to ensure that all eligible voters were given an opportunity to register.

4. The Proclamation on the registration of voters stipulated the following classes of persons would be qualified for registration:

(a) Every person who on the date of his application for registration was of the age of 16 years or older or would attain such age at any time during the registration period and who was born in Namibia;

(b) Every person who on the date of his application for registration was of the age of 18 years or older or would attain such age at any time during the registration period and who, although not born in Namibia, was normally resident in Namibia as at that date and had been so resident immediately before that date for a continuous period of four years or more (though not less than such period):

(c) Every person who on the date of his application for registration was of the age of 18 years or older or would attain such age at any time during the registration period and who was the natural child of a person referred to in subparagraph (a) above.

5. Persons born in Namibia and who were resident in Walvis Bay or abroad qualified for registration as voters but were required to register in nearby Swakopmund (as far as residents of Walvis Bay was concerned) or elsewhere in Namibia.

6. In respect of the residence qualification for registration, it should be noted that documentary proof of four years' continuous residence in the Territory, immediately before the date of application, was required from all applicants under this provision. Some 450 officials from the Republic of South Africa, including personnel of the South African Defence Force (SADF) and the South-West Africa Police (SWAPOL) who met the requirement for four years' continuous residence, were additionally required to submit a sworn statement in which they declared unequivocally their intention to remain in the Territory after it became a sovereign, independent State.

7. In the case of the natural child qualification referred to above, provision was made that returnees sponsored by the Office of the United Nations High Commissioner for Refugees (UNHCR), including their natural children, were exempted from producing documentary evidence of their birth and parentage. On production of their UNHCR repatriation forms to the registration officer, it was sufficient to submit in addition a sworn declaration by a registered voter to the effect that the applicant was born outside Namibia and was the natural child of a parent who was born in the territory. Natural children who did not fall under the provisions for returnees were required to produce documentary evidence to prove their age and parentage. A natural child of a parent born in Namibia and coming from the Republic of South Africa had to submit as proof a complete birth certificate or a certified copy of a declaration of birth or a certified extract from the birth register.

8. The South West Africa identity document as well as other recognised identity documents issued in Namibia were accepted for the purposes of registration. However, provision was made for Namibians living in the territory who did not possess any form of identity document to register by means of a written declaration submitted by any registered voter. The benefit of the doubt was always given to applicants without birth certificates or who were not in a position to provide documentary proof of their age. The determination of their age in such circumstances was left to the discretion of the registration officer and the United Nations Transition Assistance Group (UNTAG) supervisor.

9. In all instances the concurrence of the UNTAG supervisor was required before an applicant could be refused registration. Applicants who were refused registration were entitled under the Proclamation to appeal in court against such refusals.

10. The Proclamation made provision for objections to be lodged to the retention of names on the register of voters. To date, no objection to a registration has been filed by any registered voter.

11. Seventy permanent and temporary registration centres, located mainly in towns and urban areas, were established in the 23 electoral districts for registration of voters. At each such centre, the UNTAG supervisor was responsible for ensuring that voters were registered in accordance with the Proclamation and the exchange of letters. In addition to the permanent and temporary registration centres, 110 mobile registration teams covering 2,200 points in the rural areas were established by the Administrator-General at the beginning of the registration exercise. These mobile teams were also supervised by an equal number of UNTAG mobile teams.

12. My Special Representative appointed counterparts for all senior officials appointed by the Administrator-General in the 23 electoral districts of Namibia. A total of 230 internationally recruited UNTAG officials, each of whom was provided with an interpreter, were assigned to the 23 electoral districts to supervise senior registration officials on a one-to-one basis. Civilian Police (CIVPOL) of UNTAG were also present at all permanent and temporary registration centres and accompanied each UNTAG mobile team in order to monitor SWAPOL members in the performance of their duties.

13. An UNTAG computer expert assisted by a team of UNTAG officials is responsible for the supervision and control of the Central Register of voters and the computerized list of voters. The Central Register comprises the duplicates of registration cards issued to all registered voters. A computerized list of registered voters by district and in alphabetical order has been made available on a weekly basis to all political parties,

14. Projections by the office of the Administrator-General estimated the total population of Namibia at 1,288,000 and calculated the number of qualified voters who are 18 years of age and older at 685,276. This estimate did not include returnees and other qualified voters residing in Walvis Bay or elsewhere.

15. Provisional returns at the conclusion of the registration exercise on 23 September 1989 show that 698,953 applicants had registered in the Territory. There were only 593 cases where applications to register were refused. These returns clearly indicate the overwhelming and most satisfactory public response to the registration exercise. The successful conclusion of the registration of voters reflects the ~~determination~~ of the people of Namibia to achieve independence through free and fair elections in accordance with the United Nations plan.

Annex II

Exchange of letters between the Special Representative of the
Secretary-General and the Administrator-General

1. Letter dated 26 June 1989 from the Special Representative of the
Secretary-General addressed to the Administrator-General

In connection with the impending promulgation of the Registration of Voters (Constituent Assembly) Proclamation 1989, I would like to state the following:

1. In accordance with relevant decisions of the Security Council, in particular resolutions 431 (1978) of 27 July 1978, 435 (1978) of 29 September 1978, 629 (1989) of 16 January 1989, and also resolution 632 (1989) of 16 February 1989, free elections will be held for the whole of Namibia as one political entity to enable the people of Namibia to freely and fairly determine their own future. The elections will be under the supervision and control of the United Nations. Supervision and control *in* this context means that the Special Representative must at each stage, level and place satisfy himself that the conduct and the procedure of the voter registration are fair and appropriate. Moreover, the Special Representative will bring to the attention of the Administrator-General his comments and proposals in regard to any aspect of the voter registration process whenever he thinks that it is necessary. The Special Representative shall give due consideration to the way in which the Administrator-General responds to his proposals when the Special Representative makes his final determinations on the existence of free and fair conditions **for** the election.

2. **In** respect of the registration of voters, UNTAG personnel will be present:

(a) With each registration team appointed by the Administrator-General;

(b) At the offices of all district supervisors appointed by the Administrator-General;

(c) At the offices of all district officers appointed by the Administrator-General;

(d) At the office of the Chief Registration Officer, **appointed by the** Administrator-General; and

(e) At court hearings relating to **appeals** and objections regarding the registration of voters.

3. Where complaints are made by individuals or by UNTAG or where circumstances arise which may influence free and fair elections, investigations **must** be made in the first instance by team leaders of the Administrator-General and UNTAG counterparts. If the matter cannot be resolved it shall immediately be referred to the district supervisor and his UNTAG counterpart for investigation. Should the matter not be resolved at that level, it shall be **immediately** referred

to the Chief Registration Officer of the Administrator-General and his UNTAG counterpart who will conduct investigations and report respectively to the Administrator-General and the Special Representative for settlement in accordance with the United Nations plan.

4. Registration cards and ballot papers printed and sealed by the State Printers, Pretoria, in a container of **the** South West African Transport Services, will be escorted **from** Pretoria to Windhoek by representatives of the Administrator-General and UNTAG. Representatives of **UNTAG** and **the** Administrator-General will **be** given the opportunity to satisfy themselves **about the** printed contents of the registration cards and the ballot papers.

5. On arrival in Windhoek the serial numbers of the registration cards and ballot papers will be checked **by** representatives of the Administrator-General and of the Secretary-General's Special Representative to determine whether these coincide with those reflected in the requisitions issued by **the** State Printers, Pretoria. Furthermore, printing on such registration cards and ballot papers shall be checked by the aforementioned representatives.

6. Copies of all relevant registers, returns and receipts will be made available to the UNTAG representative relative to the items referred to in paragraph 4 above.

7. All registration cards and ballot papers are to **be** locked in a strongroom with two independent **locks**, one of which is to be controlled by an UNTAG representative and the other by the Chief Registration Officer to the Administrator-General, or his delegate. The lock controlled by UNTAG and by the Chief Registration Officer respectively, will be sealed; one with the **United Nations** seal and the other with the South African seal.

8. Registration cards and ballot papers allocated for use in each district will **be** sealed in cardboard boxes by representatives of the Chief Registration Officer and UNTAG representatives, which boxes will be escorted and handed over to district supervisors (against receipt) by SWAPOL and UNTAG police monitors.

9. Registration cards **for** use of registration teams appointed by the Administrator-General are to be issued by district supervisors to registration **team** leaders (against receipt) in the presence of UNTAG counterparts and copies of the receipt will be **made** available to the **UNTAG** district supervisor.

10. Control exercised **by team** leaders appointed **by** the Administrator-General in regard to used and unused registration cards and completed application forms will be supervised and controlled **by** UNTAG **team** leaders.

11. Duplicate registration cards **and** completed application forms are to be handed to district supervisors **by team** leaders appointed by the Administrator-General (against receipt) for processing. UNTAG **team** leaders will supervise **th** **is** process,

12. Duplicate registration cards are to be sealed in cardboard boxes in the

presence of UNTAG district supervisors who will place thereon an acceptable UNTAG seal/mark/signature after which the item will be dispatched per registered post.

13. The sealed cardboard boxes referred to in paragraph 12 above will be collected in Windhoek by the designated representatives of the Chief Registration Officer and **of** UNTAG. The content of these boxes will be checked and receipts will be issued to the district supervisor and copies thereof will be made available to UNTAG counterparts.

14. All actions taken in the office of the Chief Registration **Officer** at Windhoek will be performed in the presence of UNTAG representatives who will supervise and control the process.

15. All duplicate registration cards will be **computerized** and filed in the strongroom in the presence of UNTAG representatives,

16. Operations at the office of the Chief Registration Officer and the strongroom thereat will be guarded **by** SWAPOL and UNTAG police monitors for 24 hours each day throughout the week, during the whole period of the electoral process.

17. In **terms** of functions entrusted to officials appointed by the Administrator-General, only team leaders **may** refuse an application to register a voter. It is required that registration officers will hand all doubtful applications for registration to the team leader for finalisation. Before a **team** leader rejects an application to register, he must obtain the concurrence of his UNTAG counterpart.

18. In terms of paragraph 2 above, the Administrator-General undertakes to **ensure** that only senior government service officials of integrity, who are impartial and in good standing will be utilised in the registration exercise as district supervisors, district officers and registration team leaders.

19. However, where **due** to lack of officials, private individuals are to be appointed as registration officers, these will be carefully screened and selected and their names and addresses published as required by the Proclamation.

20. The Secretary-General's Special Representative retain: the right to call for any appointment made in **terms** of paragraphs 18 and 19 **above** to **be** withdrawn if in his judgement such appointment is not compatible with free and fair elections. Paragraph 11 of the Agreement between the United Nations and the Republic **of** South Africa is also relevant in this regard.

21. Lists of registration officials and UNTAG observers are to be mutually exchanged and maintained.

22. Notices of dates and places of registration will be made available to UNTAG observers timeously and all returns and information concerning the registration process will also be provided on a daily basis.

23. In the performance of their tasks, the Administrator-General will render such reasonable assistance as **may** be required by UNTAG observers.

24. In the event **of** necessity the relatively shorter periods during which mobile and temporary registration teams operate at temporary registration points during **the** registration period may be extended by mutual arrangement between the Administrator-General and the United Nations Special Representative.

25. Notices relative to dates, times and **venues** of hearings of appeals and objections will be provided timeously to UNTAG representatives who will be expected to attend such **hearings**.

26. The following categories of persons will not **be** appointed as registration officials:

(a) **Serving** members of the armed **forces** and the police;

(b) Persons known to have campaigned openly **for** political parties;

(c) Members of the **demobilized forces**;

(d) **Office** holders **of** political parties and persons **who** have openly identified themselves with partisan politics,

27. Registration will **not** take place at anyr

(a) Police station;

(b) Military **base**;

(c) Chief's residence;

(d) Political party office,

28. I would appreciate receiving your express confirmation of this letter. Upon receipt **of** that confirmation, I will **not** raise objections to the promulgation of the Registration of Voters (Constituent Assembly) Proclamation 1989.

(**Signed**) Martti AHTISAARI
Special Representative of the
Secretary-General for Namibia

2. Letter dated 26 June 1989 from the Administrator-General addressed to the Special Representative of the Secretary-General

I acknowledge receipt of your letter of 26 June 1989 in connection with the impending promulgation of the Registration of Voters (Constituent **Assembly**) Proclamation 1989, and confirm that it is in accordance with our discussions, and that I am in agreement with the contents thereof.

(**Signed**) L. A. PIENAAR
Administrator-General

/...

Annex III

Code of Conduct for political parties during present
election campaign

An essential part of free and fair elections is freedom of political campaigning. Everyone has the right to put forward their political principles and ideas, without threat or fear, to every other person, without exception. But freedom of political campaigning also carries responsibilities, including the duty to accept every other person's freedom to campaign.

The **Namibian** political parties whose names are subscribed to this document, meeting together in Windhoek under the chairmanship of the Special Representative of the Secretary-General of the United Nations on 12 September 1989, have agreed as follows:

- (1) Intimidation, in any **form**, is unacceptable, and will be expressly forbidden by the parties in directives to their members and supporters.
- (2) Party leaders will instruct their members and supporters that no weapon of any kind, including any traditional weapon, may be **brcught** to any political rally, meeting, march or other demonstration.
- (3) Parties will notify UNTAG-CIVPOL as well as SWAPOL in advance of their planned meetings and other rallies.
- (4) All practical steps will be taken by parties to avoid holding rallies, meetings, marches or demonstrations close to one another at the same time. Party leaders undertake to co-operate in applying this principle in good faith and in a reasonable spirit should any coincidence of time or venue arise.
- (5) Speakers at political rallies will at all times avoid using language which threatens or incites violence in any **form** against any other person or group of persons. Parties will not issue pamphlets, newsletters or **posters**, whether officially or anonymously, which contain inflammatory language or material.
- (6) All parties will consistently emphasize, both to their supporters and also to voters in general, that there will be a secret ballot, and that **consequently** no one will know how any individual may have voted.
- (7) Party members and supporters will not disrupt other parties' rallies, meetings, marches or demonstrations.
- (8) Party members and supporters will not **seek** to obstruct other persons from attending the political rallies of other parties.

- (9) Party members and supporters will not **plagiarize** symbols of other parties, or steal, disfigure or destroy political **or** campaign materials of other parties.
- (10) **Party** leaders will use their good offices to seek to ensure reasonable freedom of access by all political parties to all potential voters, whether they be **at** farms, on **State-owned** properties, **in** villages, or at secondary reception centres. They will also seek to **ensure** that such potential voters wishing to participate in related political activities have freedom to do so. This **may**, where necessary, take place outside working **hours**.
- (11) Parties will establish effective lines of communication to **one** another at headquarters, regional and district levels, and will appoint liaison personnel who will **be** constantly on call to deal with any problems that may **arise**.
- (12) Parties will **meet** on a fortnightly basis **under** the chairmanship of UNTAG regional directors or centre heads to discuss all matters of concern relating to the election campaign. A standing committee of party leaders at headquarters will meet on a fortnightly basis under the chairmanship of the Special Representative or his Deputy to deal with such matters on **a nation-wide basis**. An observer from the **Office** of the Administrator-General will **be** invited to attend the meeting of the standing committee. Emergency meetings will **be** convened as and when **necessary**.
- (13) All allegations of intimidation and other unlawful conduct in the election campaign will be brought to the attention of the nearest UNTAG-CIVPOL and SWAPOL stations or patrols.
- (14) Party leaders will issue directives to their **members** and supporters to observe this Code of Conduct, and take all other necessary steps to **ensure** compliance.
- (15) It is stated in the settlement proposal **that: "The** elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral **process**, the elections themselves and the certification of their results, the United Nations Special Representative will have to satisfy himself at each **stage as** to the fairness and appropriateness of all measures affecting **the** political process at all levels of administration before such measures take effect." Party leaders undertake to honour the outcome of free and **fair** elections so certified by the Special Representative of the Secretary-General of the United Nations.
- (16) The Special Representative and party leaders undertake to publicise this Code of Conduct throughout Namibia **by** all means at their disposal.

The **Namibian** political parties whose names are subscribed below accept and **endorse** this Code of Conduct as binding upon them. They **agree** that alleged violations will be brought to and considered by the standing committee referred to in paragraph 12 above.

<u>Name of party</u>	Name of <u>representative</u>	<u>Signature</u>
Action Christian National	J. M. De Wet	<u>[Signed]</u>
Democratic Turnhalle Alliance	F. J. Kozonguizi	<u>[Signed]</u>
Federal Convention of Namibia	H. Diergaardt	<u>[Signed]</u>
Namibia Christian Democratic Party	W. Adam	<u>[Signed]</u>
Namibia National Front	I. Uirab	<u>[Signed]</u>
National Patriotic Front of Namibia	E. van Zijl	<u>[Signed]</u>
South West Africa People's Organization	H. G. Geingob	<u>[Signed]</u>
SWAPO-Democrats	for A. Shipanga	<u>[Signed]</u>
United Democratic Front	Justus Garoeb	<u>[Signed]</u>

In the presence of the Special Representative
of the Secretary-General,

(Signed) Martti AHTISAARI

UNTAG headquarters,
Windhoek, 12 September 1989

