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THIS WEEK IN NAMIBIA Week of May 7-14, 1989

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

1. General Comments: The mood in Windhoek appears hopeful, but decidedly skeptical. UNTAG seems to have recovered some poise since the implementation of Res. 435 began on April 1st. The military component is now reportedly at full strength, although it remains handicapped by a shortage of vehicles and communications equipment. It was reported in the press that U.N. Secretary General Perez de Cuellar was considering several courses of action in an attempt to quell criticism of UNTAG: 1) a personal inspection in June; 2) doubling the number of police monitors from 500 to 1,000; 3) appointing an African deputy under Mr. Ahtisaari; and 4) establishing a committee of diplomats to consult about UNTAG policy decisions.

Conditions in the north are still very tense. Reports of intimidation, primarily by the South African Security Forces, including Koevoet, persist. An urgent application was filed in the Windhoek Supreme Court by residents of the north, including Anglican Bishop Kauluma, Lutheran Bishop Dumeni, and Roman Catholic Bishop Haushiku, for an interdict restraining the 101 Battalion from harassing and/or interfering with the rights of residents to freedom of expression, assembly and association. UNTAG announced that, just in the Oshakati area alone, it was "investigating" over 80 reported incidents of intimidation, assault and misconduct by the South African police and officials of political parties.

2. Repeal of Discriminatory Laws: Under Res. 435, discriminatory laws in Namibia were scheduled to be repealed as of May 15, 1989. However, there are reports that the Special Representative (SR) and the Administrator-General (AG) disagree about the manner in which these laws should be repealed. Specifically, UNTAG wants the AG to issue a general proclamation, repealing all discriminatory laws in Namibia, including but not limited to an initial list which can later be supplemented. The

AG, however, wants to issue one definitive list. Negotiations over this issue continue.

3. AG.8: On May 9, 1989, the AG issued Proclamation No. AG.8 of 1989, subtitled the "Transfer of Powers of Representative Authorities to the Administrator-General." The parent of the current Proclamation, e.g. AG.8 of 1980, divided Namibia's population into 11 ethnic groups governed by their own individual "representative authorities." The new AG.8 transfers power formerly invested in these ethnic authorities to the Administrator-General. Under the law, all the representative authorities (who, in fact, left office just prior to April 1), are officially enjoined to terminate their services and vacate their offices, retroactive to April 1, 1989.

From a purely practical standpoint, the transfer of administrative power from the ethnic authorities to the AG eradicated overlapping systems and may even be seen as clearly placing administrative control during the transition period into the hands of the AG as (arguably) required by Res. 435. However, by transferring power to the AG, while leaving the underlying structure intact, AG.8 of 1989 does not do away with the grand apartheid policy of ethnically dividing Namibia's population but instead further entrenches it.

Local observers have pointed out that the full weight of apartheid oppression in the ethnic homelands was diffused somewhat because South Africa had to rely on incompetent local leaders. The new law, however, will entrust the governance of the bantustans to white South African secretaries who are controlled by and answer directly to the AG, South Africa's colonial governor in Namibia. Thus, under the new AG.8, the homelands not only remain fully intact, but South Africa's direct power over them has been consolidated. Thus far, UNTAG has made no official comment on the passage of AG.8.

4. Intimidation: Although both UNTAG and South African officials were reporting that conditions in Namibia were "calm," various sources, including the Human Rights Centre, church officials and the local media, have continued to report incidents of intimidation directed against the population, largely by the South African Security Forces and, to a lesser extent, by supporters of the Democratic Turnhalle Alliance party. According to the Namibia Communications Centre, Koevoet attacks on civilians have been reported to the United Nations officials on a daily basis, with "no perceived results." U.N. spokesperson Cedric Thornberry announced on May 17th that the U.N. was investigating scores of reports of intimidation.

Most of the incidents involved students, teachers and attendants in "cuca" shops (small, local pubs/grocery stores) being assaulted, threatened or arrested, usually for displaying SWAPO colors on their persons or elsewhere and for expressing support for SWAPO either verbally or/ by giving the SWAPO power

salute. Residents were also being rounded up and interrogated about the possible presence of SWAPO combatants in their area. Most of the secondary schools in northern Namibia were closed on May 18th as students protested against continued South African army and Koevoet attacks on civilians. The students demanded that Koevoet members be removed from the police forces and that U.N. troops accompany South West African Police at all times.

Although incidents of intimidation occur mainly in the north, e.g. Ovamboland and Kavangoland, incidents seem to be increasing in the south, in Khorixas and Gobabis, for example, where UNTAG's presence is virtually non-existent.

On Sunday, May 7th, Namibian freelance journalist and photographer John Liebenberg and fellow journalist Heidi von Egidt were targets of an assassination attempt as they responded to an anonymous tip concerning an alleged bomb explosion in Katutura, Windhoek's black township. There was, in fact, no bomb explosion. Unknown assailants in a speeding car fired several shots, 3 of which hit the journalists' vehicle. Charges of attempted murder were filed with the police. The murder attempt was the latest in a series of shootings aimed at reporters, prompting the Foreign Correspondents' Association to request a "prompt investigation" by UNTAG and South African officials.

5. Repatriation: According to the timetable set out under Res. 435, the planned repatriation of an estimated 58,000 Namibian exiles and refugees was scheduled to begin May 15th. However, UNHCR and the Council of Churches in Namibia's 3Rs Committee, which are coordinating the process, announced that the start is being delayed because of the inability of the AG and UNTAG to agree on the repeal of discriminatory legislation and the issuance of a general amnesty proclamation. Prior action on both issues is necessary in order to avoid the possibility of victimization of Namibian returnees by arrest and/or prosecution. Accordingly, the commencement of the repatriation process may be postponed to May 29.

6. External criticism of UNTAG: Zimbabwean president Robert Mugabe, head of the Non-aligned Movement, criticized the United Nations Security Council for its decision to cut U.N. monitoring forces in Namibia, and for UNTAG's slow start and its decision to allow the South African forces to pursue SWAPO guerrillas. Mugabe called on the Security Council to send more U.N. troops to Namibia.

7. SWAPO withdrawal negotiations: In talks among South Africa, Cuba and Angola which began on May 15, South Africa is demanding the right to place monitoring teams in Angola to track the movements of SWAPO there. South Africa alleges that SWAPO soldiers continue to operate within a few miles of the Namibian border.