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FURTHER REPORT OF THE SECRETARY-GENERAL CONCERNING THE
IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 435 (1978)
CONCERNING THE QUESTION OF NAMIBIA

1. Elections were held in Namibia from 7 to 11 November 1989 for a Constituent Assembly of 72 members. In accordance with the provisions of the United Nations plan, 1/ the elections were organized and conducted by the Administrator-General under the supervision and control of the United Nations Special Representative. A total of 701,483 voters were registered in the 23 electoral districts of the Territory. Ten political parties participated in the election.
2. Some 358 polling stations were established in Namibia for the taking of the poll, comprising 215 fixed location and 143 mobile polling stations. My Special Representative was assisted in the supervision and control of the election by a total of 1,700 electoral supervisors drawn from the United Nations system, including the military component of the United Nations Transition Assistance Group (UNTAG), and from 27 States Members of the United Nations. Additionally, 1,023 police monitors participated in the exercise. UNTAG electoral personnel supervised some 2,500 counterparts appointed by the Administrator-General in connection with the poll. UNTAG electoral supervisors were trained in their functions of supervision and control of the electoral process at four training centres in the Territory over a four-day period.
3. The Election (Constituent Assembly) Proclamation (No. AG 49) was published in an extraordinary Official Gazette on 13 October 1989 after it had been finalized by my Special Representative and the Administrator-General. On the same day, an exchange of letters, dated 9 October 1989, between my Special Representative and the Administrator-General, setting out an agreement on procedures in connection with the above-mentioned election, was also published in the Official Gazette as General Notice No. 142. That exchange of letters is attached in annex I to the present report.
4. The Proclamation provided for all registered voters in possession of the necessary supporting documents to cast ordinary ballots, to vote in districts where they had registered. Out-of-district voters, as well as certain other categories of voters listed in the Proclamation, were required to cast tendered ballots, which were subject to verification before the count. All ordinary ballots were counted

at the respective district headquarters, while tendered ballots were counted at Windhoek, after verification. The final results of the vote were determined by adding the totals of ordinary and tendered ballots cast in favour of each of the 10 political parties.

5. At the close of polling on 11 November 1989, preliminary estimates indicated that over 96 per cent of the electorate had participated. After the poll, and prior to the commencement of the count, my Special Representative announced that while there had been a few minor incidents, he was satisfied that the process of voting had gone smoothly and that it had been free and fair, in accordance with Security Council resolution 435 (1978) of 29 September 1978.

6. The counting of the ordinary ballots began on 13 November 1989, at the respective district headquarters, and was completed early on 14 November. The results were announced district by district as provided for in the Election Proclamation. The counting of tendered ballots, after verification, was completed later in the day of 14 November and the final results of the vote were communicated to me by my Special Representative. The tally for the election and the corresponding number of seats, based on the system of proportional representation, is as follows:

<u>Party</u>	<u>Votes</u>	<u>Percentage of vote</u>	<u>Seats won</u>
Aksie Christelik Nasionaal (ACN)	23 728	3.537	3
Christian Democratic Action for Social Justice (CDA)	2 495	0.372	0
Democratic Turnhalle Alliance (DTA) Van Namibie	191 532	28.551	21
Federal Convention of Namibia (FCN)	10 452	1.558	1
Namibia National Democratic Party (NNDP)	984	0.147	0
Namibia National Front (NNF)	5 344	0.797	1
National Patriotic Front of Namibia (NPF)	10 693	1.594	1
South West Africa People's Organization (SWAPO) - Democrats (SWAPO-D)	3 161	0.471	0
South West Africa People's Organization (SWAPO)	384 567	57.327	41
United Democratic Front of Namibia (UDF)	<u>37 874</u>	<u>5.646</u>	<u>4</u>
Total	<u>670 830</u>	<u>100.00</u>	<u>72</u>

A detailed summary of the results by electoral district is contained in annex II to the present report.

7. At 1 p.m. (New York time) on 14 November 1989, my Special Representative, after full scrutiny of the related procedures, and after contacting me, certified that the electoral process in Namibia had, at every stage, been free and fair and that it had been conducted to his satisfaction. He made this certification in fulfilment of his responsibility under paragraph 6 of the Proposal for a Settlement of the Namibian Situation, and in accordance with Security Council resolution 435 (1978).

8. With these events, a most significant phase in the process of bringing Namibia to independence has been accomplished.

9. The fact that 97.04 per cent of the registered voters finally turned out to cast their ballots was an impressive demonstration of the importance they attached to the electoral process; the fact that the elections proceeded in a peaceful and orderly manner and that the political parties observed the Code of Conduct (see S/20883, annex III) to which they had agreed during the election campaign, was testimony to the political maturity of the Namibian people; and the fact that the elections were conducted smoothly and without any major hindrance was both a tribute to the effective arrangements made by the Administrator-General and his electoral staff and, I might add, to the excellent performance of UNTAG in supervising and controlling the arrangements.

10. The way has now been opened for the next stage in the process - the drawing-up and adoption of a constitution by the newly elected Constituent Assembly, the naming by it of a date for independence and the establishment of a Government for the independent State.

11. I am confident that the members of the Constituent Assembly will demonstrate, in their new capacity, the same degree of patriotism that they displayed during the course of the electoral process. Indeed, I trust that all concerned will discharge, in letter and in spirit and in good faith, the obligations which fall on them under the terms of the Charter of the United Nations, the settlement plan, the resolutions of the Security Council and the related commitments and understandings.

12. 14 November 1989 has been an important day for Namibia and others will follow. For its part, the United Nations will continue to discharge its obligations to the people of Namibia until the Territory achieves independence.

13. I wish to thank the Security Council for its support and understanding over the past many months that have led to the elections in Namibia. I also wish to pay tribute to my Special Representative, Mr. Martti Ahtisaari, to the Deputy Representative, Mr. Legwaila Joseph Legwaila, to the Force Commander, General Dewan Prem Chand, and to all the members of UNTAG for the exemplary service that they are performing in the cause of Namibia's independence.

Notes

1/ Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978, document S/12636.

Annex I

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

A. Letter dated 9 October 1989 from the Special Representative of
the Secretary-General addressed to the Administrator-General

In connection with the impending promulgation of the Election (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 18 January 1989, and also resolutions 632 (1989) of 16 February 1989 and 640 (1989) of 29 August 1989, free elections will be held for the whole of Namibia as one political entity to enable the people of Namibia to determine freely and fairly their own future. The elections will be under the supervision and control of the United Nations. Supervision and control in the context of the above-cited Proclamation means that the Special Representative must at each stage, level and place satisfy himself that the conduct and the procedure of the election, including the establishment of the list of candidates, the taking of the poll, the determination of the results of the poll, and the declaration of the results of the election are fair and appropriate. If at any time during this process the Special Representative is not so satisfied, he shall promptly inform the Administrator-General. Moreover, the Special Representative will bring to the attention of the Administrator-General his comments and proposals in regard to any aspect of the election 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 determination on the existence of free and fair condition, for the election.

2. During the election process, UNTAG personnel are entitled to be present at:

- (a) The offices of the chief electoral officer;
- (b) The offices of the controllers appointed by the chief electoral officer;
- (c) The offices of the electoral officer for each district;
- (d) All polling stations, including all mobile ones;
- (e) All places where ballot boxes are kept, from the commencement of the poll to the final;
- (f) All places where ballot boxes are opened, tendered ballots are verified, ballots are counted and any part and the overall results of the election are determined or announced;

(g) All places where registration cards are verified, during or at any time after the period of polling;

(h) All other places where any part of the election process may be carried out.

3. The Administrator-General undertakes to ensure that only senior government officials of integrity who are impartial and in good standing will be utilized in carrying out functions under the Proclamation, as controllers, electoral officers and as presiding officers. Similarly, polling officers and counting officers shall either be government officials or other persons carefully screened and selected, of proven integrity, impartiality and good standing.

4. Controllers, electoral officers, presiding officers, polling officers and counting officers (hereinafter "electoral officers") will only be appointed after the particulars of the individuals concerned have been submitted to the Special Representative. Such submission shall normally take place at least seven days before the appointment, and in cases of urgency at least three days unless the Special Representative agrees in a particular case to a shorter period.

5. The Special Representative retains the right to call for any appointment made in terms of paragraph 4 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 concerning the Status of the United Nations Transition Assistance Group in Namibia (South West Africa) is also relevant in this regard.

6. Lists of electoral officers and UNTAG personnel involved in election supervisory duties are to be mutually exchanged and maintained up to date.

7. The Administrator-General shall secure the concurrence of the Special Representative in determining the polling days and in making any changes thereto.

8. The Administrator-General shall keep the Special Representative informed of the numbers and locations of polling stations and of the use of mobile polling stations, which will be jointly determined by the chief electoral officer and his UNTAG counterpart. After commencement of the poll, additional polling stations may only be established after consultation with UNTAG counterparts.

9. The chief electoral officer shall agree with his UNTAG counterpart in respect of the notices to be given to the representatives of the registered parties and to the public in respect of the places where polling stations are to be established, the schedules of mobile polling stations and the establishment of additional polling stations. It is understood that, aside from formal notifications by published notices and by communications to party officials, every effort will be made to distribute such information as widely as possible and targeted specifically, to the voters in any particular area, using all suitable media and in particular radio and television.

10. Before suspending voting at any polling station because of an emergency, the presiding officer shall secure the concurrence of his UNTAG counterpart.

11. No presiding officer shall require any person to leave a polling station without the concurrence of his UNTAG counterpart, which may not unreasonably be withheld.

12. Before any voter who is at a polling station at the time it is required to be closed is prevented from voting on that day, the presiding officer of that station shall consult with his UNTAG counterpart.

13. No voter shall be prevented from voting at any polling station without the concurrence of the UNTAG team leader at that station.

14. The UNTAG electoral supervisors may participate in the examination of the entitlement of voters to receive a ballot, and in particular may examine their fingers for the presence of the identification mark.

15. The chief electoral officer shall agree with his UNTAG counterpart with respect to the manner in which election agents may object to a voter.

16. Before any voter who presents a registration card issued in the same electoral district as the polling station, as well as an identity document or an affidavit concerning his identity, may be required, by reason of a challenge or for any other reason, to cast a tendered ballot, the presiding officer of the polling station shall consult his UNTAG counterpart and take into account the views expressed by the latter. If a presiding officer is informed by his UNTAG counterpart that the latter considers that a particular voter should cast a tendered ballot, that voter shall be required to do so.

17. In the examination of registration cards or affidavits concerning lost registration cards that accompany tendered ballot papers, the chief electoral officer shall obtain the concurrence of his UNTAG counterpart before either accepting or rejecting any tendered ballot. If no such concurrence can be achieved, the question of the acceptance or rejection of the ballot shall be referred to the Administrator-General and the Special Representative.

18. In counting of ballots, counting officers shall obtain the concurrence of their UNTAG counterparts before rejecting any ballot or before deciding to which party a doubtful ballot shall be credited.

19. Before the result of any count of ballots is announced, at the district level or for the election as a whole, the electoral officer concerned shall obtain the concurrence of his UNTAG counterpart.

20. Any dispute between the chief electoral officer and a registered party concerning the list of candidates it has submitted pursuant to the Proclamation shall be resolved in consultation between the Administrator-General and the Special Representative.

21. The Administrator-General shall obtain the concurrence of the Special Representative in respect of the calculation of the number of candidates of each registered party that are to be declared elected, and in respect of the disqualification of any candidate who is listed on the list of candidates of any registered party.

22. The chief electoral officer shall on a daily basis during the poll and the counting of the votes make available to his UNTAG counterpart all returns and information concerning the election process.

23. The chief electoral officer shall obtain the concurrence of his UNTAG counterpart in designating the polling stations from which registration cards and tendered ballots are to be delivered on a daily basis during the polling period for the purpose of the verification foreseen by section 27 of the Proclamation. The Administrator-General shall obtain the concurrence of the Special Representative before directing the chief electoral officer to discontinue such verification.

24. The Special Representative may, at any time before or after the results of the election have been announced, require the Administrator-General to carry out a complete verification of all registration cards or affidavits in lieu of registration cards that have been presented by voters in casting their ballots, in order to determine the extent, if any, to which ballots may have been cast fraudulently. Such verification shall be carried out by the chief electoral officer and his staff, under the supervision and control of their UNTAG counterparts.

25. Where any ballot box or any other container or packet containing electoral materials is to be sealed by an electoral officer, his UNTAG counterpart shall be entitled to place UNTAG seals thereon. Before any item that has been sealed may be opened, an UNTAG electoral supervisor shall be entitled to inspect the UNTAG seals to determine that they have not been tampered with.

26. All ballots, whether unused, completed or spoiled, all registration cards presented by voters, and all ballot boxes containing any ballots, registration cards or tendered ballots, shall be guarded at all times, including during periods of transportation that may be required, by both SWAPOL and by UNTAG guards, except that during the hours of polling such guarding shall be performed within polling stations by the electoral officers and their UNTAG counterparts. In addition, if at any polling station no safe or strongroom is available for the overnight storage of such ballots, cards and boxes, the presiding officer and his UNTAG counterpart shall remain with them during any time that the poll is closed. The procedures concerning such guarding are set out in an annex to this letter, and are incorporated herein by reference.

27. At the conclusion of the election and after any verification that the Special Representative considers necessary has been carried out, all ballots, whether unused, spoiled, counted or rejected, shall be destroyed after a reasonable time, on a date set by agreement between the Administrator-General and the Special Representative.

28. Before any person is charged with any offence pursuant to the Proclamation, the Administrator-General shall consult with the Special Representative and take account of the views expressed by the latter.

29. Where complaints are made by individuals and/or political parties or by UNTAG or where circumstances arise that might influence free and fair elections, investigations shall be made in the first instance by the presiding officer at any polling station concerned, in collaboration with his UNTAG counterpart. If the matter cannot be resolved at that level it shall immediately be referred to the district electoral officer and his UNTAG counterpart for investigation. Should the matter not be resolved at that level, it shall be immediately referred to the chief electoral officer and his UNTAG counterpart, who shall conduct investigations and report respectively to the Administrator-General and the Special Representative for resolution in accordance with the settlement plan.

30. The Administrator-General shall render such reasonable assistance as may be required by UNTAG personnel in the performance of their tasks.

I would appreciate receiving express confirmation of your acceptance of the proposals in this letter. Upon receipt of that confirmation, I will not raise objection to the promulgation of the Election (Constituent Assembly) Proclamation, 1989.

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

Annexure to the Special Representative's letter of 9 October 1989

PROCEDURES FOR GUARDING BALLOTS AND OTHER VOTING MATERIALS

(Referred to in paragraph 26 of the Special Representative's letter)

1. On the arrival of the ballot papers at Windhoek, representatives of the Administrator-General and of the Special Representative shall;

(a) Take the ballot papers into their joint custody;

(b) Satisfy themselves as to the quality and contents of the printed text of the ballot papers;

(c) Check to determine whether their serial numbers coincide with those reflected in the requisitions issued.

2. All ballot papers shall initially be locked into a strongroom with two independent locks, one of which is to be controlled by the chief electoral officer and the other by his UNTAG counterpart. Both locks and the door itself may be sealed by representatives of both the chief electoral officer and his UNTAG counterpart.
3. Ballot papers allocated for use in each district will be sealed in boxes by representatives of the chief electoral officer and of his UNTAG counterpart, and these boxes will be escorted and handed over to the electoral officers (against receipts) in the presence of their UNTAG counterparts.
4. Ballots for use at fixed and at mobile polling stations will be issued by the electoral officers to presiding officers (against receipts) in the presence of their UNTAG counterparts.
5. The controls exercised by presiding officers in regard to unused, used and spoiled ballot papers will be supervised and controlled by their UNTAG counterparts (team leaders).
6. After ballot papers are counted at district centres, these ballot papers and any related registration cards that had not previously been transferred to Windhoek will be resealed into ballot boxes by the electoral officers in the presence of their UNTAG counterparts (district supervisors), after which these ballot boxes will be transferred to Windhoek.
7. Whenever any ballots are transported from one place to another, the transport will be performed jointly by the South West Africa Police (SWAPOL) and by UNTAG guards.
8. Operations at the office of the chief electoral officer and the strongroom thereat will be guarded by SWAPOL and by UNTAG guards for 24 hours each day throughout the polling period and the subsequent counting period, and until the Special Representative determines that no further verification will be required.
9. Copies of all relevant registers, returns and receipts concerning ballot papers or other electoral materials will be made available to UNTAG representatives on a current basis.

B. Letter dated 9 October 1989 from the Administrator-General
addressed to the Special Representative of the
Secretary-General

I acknowledge the receipt of your letter of 9 October 1989 in connection with the impending promulgation of the Election (Constituent Assembly) Proclamation 1989, and confirm that it is in accordance with our discussions and that I am in agreement with its contents.

(Signed) L. A. PIENAAR
Administrator-General

Annex II

Namibian election: summary results by electoral district

Electoral district number	Name of district	ACN	CGA	DTA	FCN	MNDP	MNF	NPF	SWAPO-D	SWAPO	UDF	Reject	Total votes cast	Total valid votes
01	Bethanie	301	32	1 314	55	4	8	15	16	461	87	44	2 337	2 293
02	Damaraland	175	28	2 579	34	9	109	62	25	4 204	7 838	152	15 215	15 063
03	Gobabis	1 940	158	11 684	173	50	391	377	59	2 458	442	379	18 111	17 732
04	Grootfontein	1 606	115	8 818	236	32	66	376	51	5 417	1 319	566	19 602	19 036
05	Hereroland	68	89	9 880	193	33	705	1 935	40	2 353	100	209	15 605	15 396
06	Kaokoland	64	91	8 180	120	70	48	2 480	24	1 330	71	316	12 794	12 478
07	Karasburg	4 820	54	10 068	367	30	40	152	39	2 378	739	126	18 813	18 687
08	Karibib	406	24	1 989	67	2	56	161	14	2 244	1 533	86	6 582	6 496
09	Kavango	527	449	24 817	401	179	151	497	319	30 755	1 336	1 995	61 426	59 431
10	Keetmanshoop	1 458	100	9 249	335	56	432	209	113	5 496	1 518	301	19 269	18 968
11	Lüderitz	521	17	2 138	89	14	218	67	26	7 753	390	45	11 278	11 233
12	Maltahöhe	388	15	658	161	13	8	14	9	848	383	71	2 578	2 507
13	Mariental	1 467	85	7 665	403	26	77	101	29	3 024	1 036	169	14 082	13 913
14	Okahandja	672	42	4 273	56	9	81	334	23	3 718	1 142	30	10 380	10 350
15	Omaruru	213	40	2 959	48	5	206	318	24	1 281	589	89	5 772	5 683
16	Ous-Capriivi	104	168	13 786	436	44	44	687	93	10 415	556	673	27 006	26 333
17	Otjiwarongo	699	49	5 213	81	12	134	114	19	4 020	1 835	142	12 318	12 176
18	O'oro	765	37	3 072	88	3	31	52	13	1 197	1 483	163	6 904	6 741
19	Ovambo	465	489	10 745	150	214	95	505	1 706	225 621	5 167	3 014	248 171	245 157
20	Rehoboth	127	66	7 746	5 010	84	304	243	48	3 015	462	251	17 356	17 105
21	Swakopmund	1 271	32	5 931	395	5	241	145	64	14 123	1 736	140	24 083	23 943
22	Tsumeb	922	36	4 026	96	11	46	72	57	7 254	1 202	148	13 872	13 724
23	Windhoek	4 749	279	34 730	1 458	77	1 852	1 777	350	44 202	6 910	749	97 134	96 385
Grand totals:		23 728	2 495	191 532	10 452	984	5 344	10 693	3 161	384 567	37 874	9 858	680 688	670 830