OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

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General Notice

No. 142 1989

AGREEMENT ON PROCEDURES IN CONNECTION WITH THE ELECTION FOR A CONSTITUENT ASSEMBLY

It is hereby made known for general notification that the Administrator-General and the Special Representative appointed by the Secretary-General of the United Nations have agreed on procedures in connection with the election for a constituent assembly in terms of the Election (Constituent Assembly) Proclamation, 1989 (Proclamation AG. 49 of 1989), as set out in the letters exchanged between the said Special Representative and the Administrator-General and contained in Schedules A and B, respectively.

Algemene Kennisgewing

No. 142 1989

OOREENKOMS OOR PROSEDURES IN VERBAND MET DIE VERKIESING VIR 'N GRONDWETGEWENDE VERGADERING

Dit word hierby vir algemene kennis bekend gemaak dat die Administrateur-generaal en die Spesiale Verteenwoordiger aangewys deur die Sekretaris-generaal van die Verenigde Nasies oor prosedures in verband met die verkiesing vir 'n grondwetgewende vergadering ingevolge die Verkiesingsproklamasie (Grondwetgewende Vergadering), 1989 (Proklamasie AG. 49 van 1989), ooreengekom het soos uiteengesit in die briewe verwissel tussen genoemde Spesiale Verteenwoordiger en die Administrateur-generaal en, onderskeidelik, in Bylaes A en B vervat.

UNTAG

N A M I B I A

9 October 1989

Dear Mr. 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 16 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 freely and fairly determine 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 conditions for the election.

Mr. Louis Pienaar
The Administrator-General of Namibia
Tintenpalast
Windhoek, Namibia

United Nations Transition Assistance Group in Namibia

U N T A G

N A M I B I A

9 Oktober 1989

Geagte meneer die Administrateur-generaal

In verband met die aanstaande afkondiging van die Proklamasie op die Verkiesing (Grondwetgewende Vergadering), 1989, wil ek graag die volgende verklaar:

1. In ooreenstemming met tersaaklike besluite van die Veiligheidsraad, in die besonder resolusies 431 (1978) van 27 Julie 1978, 435 (1978) van 29 September 1978, 629 (1989) van 16 Januarie 1989, asook resolusies 632 (1989) van 16 Februarie 1989 en 640 (1989) van 29 Augustus 1989, gaan vrye verkiesings vir die hele Namibië as een politieke entiteit gehou word om die mense van Namibië in staat te stel om op vrye en regverdige wyse oor hul eie toekoms te besluit. Die verkiesings sal onder die toesig en beheer van die Verenigde Volke geskied. In die konteks van bogenoemde proklamasie beteken toesig en beheer dat die Spesiale Verteenwoordiger hom op elke stadium, vlak en plek daarvan moet vergewis dat die hou en die prosedure van die verkiesing, insluitende die opstel van die lys van kandidate, die opneem van stemme, die bepaling van die stemresultate en die bekendmaking van die uitslag van die verkiesing regverdig en doelmatig is. Indien die Spesiale Verteenwoordiger te eniger tyd gedurende hierdie proses nie hiervan oortuig is nie, moet hy die Administrateur-generaal onverwyld verwittig. Hierbenewens sal die Spesiale Verteenwoordiger sy kommentaar en voorstelle met betrekking tot enige aspek van die verkiesingsproses onder die aandag van die Administrateur-generaal bring wanneer hy dit ook al nodig ag. Die Spesiale Verteenwoordiger sal behoorlike oorweging skenk aan die wyse waarop die Administrateur-generaal op sy voorstelle reageer wanneer die Spesiale Verteenwoordiger sy finale bepaling doen of daar geskikte toestande heers vir die hou van 'n vrye en regverdige verkiesing.

Mnr. Louis Pienaar
Die Administrateur-generaal van Namibië
Tintenpalast
Windhoek, Namibië

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 over-all 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; and

(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.

2. Tydens die verkiesingsproses is UNTAG-personeel daarop geregtig om teenwoordig te wees by

(a) die kantoor van die hoofverkiesingsbeampte;

(b) die kantore van die kontroleurs wat deur die hoofverkiesingsbeampte aangestel word;

(c) die kantoor van die verkiesingsbeampte vir elke distrik;

(d) alle stemlokale, mobiele stemlokale ingesluit;

(e) oral waar stembusse gehou word, vanaf die begin van stemming tot die finale telling;

(f) oral waar stembusse oopgemaak word, voltooide stembriewe nagegaan word, stembriewe getel word en enige gedeelte en die algehele uitslag van die verkiesing bepaal of aangekondig word;

(g) oral waar registrasiekaarte tydens of op enige tydstip na die stemtydperk nagegaan word;

(h) enige ander plek waar enige gedeelte van die verkiesingsproses mag plaasvind.

3. Die Administrateur-generaal onderneem om te verseker dat slegs eerbare, onpartydige en onbesproke senior regeringsdiensamptenare benut word om kragtens die proklamasie as kontroleurs, verkiesingsbeamptes en voorsittende beamptes op te tree. Insgelyks moet stembeamptes en telbeamptes regeringsamptenare wees, of ander persone van bewese integriteit, onpartydigheid en onbesprokenheid wat sorgvuldig gekeur is.

4. Kontroleurs, verkiesingsbeamptes, voorsittende beamptes, stembeamptes en telbeamptes (hierna "verkiesingsbeamptes" genoem) sal slegs aangestel word nadat die besonderhede van die betrokke individue aan die Spesiale Verteenwoordiger voorgelê is. Sodanige voorlegging moet normaalweg minstens sewe dae voor aanstelling plaasvind, en in

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.

dringende gevalle minstens drie dae, tensy die Spesiale Verteenwoordiger in 'n bepaalde geval tot 'n korter tydperk toestem.

5. Die Spesiale Verteenwoordiger behou hom die reg voor om te eis dat enige aanstelling kragtens paragraaf 4 hierbo teruggetrek word indien sodanige aanstelling na sy mening nie met vrye en regverdige verkiesings versoenbaar is nie. Paragraaf 11 van die Ooreenkoms tussen die Verenigde Volke en die Republiek van Suid-Afrika rakende die status van die United Nations Transition Assistance Group in Namibia (South West Africa) is ook in hierdie verband ter sake.

6. Lyste verkiesingsbeamptes en UNTAG-personeel wat by verkiesingstoesighouding betrokke is, moet onderling uitgeruil en bygehou word.

7. Die Administrateur-generaal moet die instemming van die Spesiale Verteenwoordiger verkry wanneer stemdae bepaal of enigsins verander word.

8. Die Administrateur-generaal moet die Spesiale Verteenwoordiger op die hoogte hou van die aantal en ligging van stemlokale en van die gebruik van mobiele stemlokale, wat gesamentlik deur die hoofverkiesingsbeampte en sy UNTAG-eweknie bepaal sal word. Nadat die stemming begin het, mag bykomende stemlokale slegs na oorlegpleging met UNTAG-eweknieë gevestig word.

9. Die hoofverkiesingsbeampte moet met sy UNTAG-eweknie ooreenkom oor kennisgewings wat aan die verteenwoordigers van die geregistreerde partye en aan die publiek gegee moet word rakende die plekke waar stemlokale gevestig gaan word, die roosters van mobiele stemlokale en die vestiging van bykomende stemlokale. Daar word ooreengekom dat, afgesien van formele mededelings deur middel van gepubliseerde kennisgewings en kommunikasies aan partybeamptes, alle pogings aangewend sal word om sodanige inligting so wyd moontlik, en veral onder die kiesers in 'n besondere gebied, te versprei, deur van alle toepaslike media (en die radio en televisie in die besonder) gebruik te maak.

10. Voordat stemming by enige stemlokaal weens 'n noodtoestand opgehef word, moet die voorsittende beampte die instemming van sy UNTAG-eweknie verkry.

dringende gevalle minstens drie dae, tensy die Spesiale Verteenwoordiger in 'n bepaalde geval tot 'n korter tydperk toestem.

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10. Voordat stemming by enige stemlokaal weens 'n noodtoestand opgehef word, moet die voorsittende beampte die instemming van sy UNTAG-eweknie verkry.

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.

11. Geen voorsittende beampte mag vereis dat iemand 'n stemlokaal verlaat sonder dat hy die instemming van sy UNTAG-eweknie (wat nie sonder goeie rede weerhou mag word nie) verkry het nie.

12. Voor enige kieser wat op sluitingstyd by 'n stemlokaal is, verhinder word om op daardie dag te stem, moet die voorsittende beampte van sodanige stemlokaal met sy UNTAG-eweknie beraadslaag.

13. Geen kieser mag sonder instemming van die UNTAG-spanleier by 'n stemlokaal verhinder word om by daardie stemlokaal te stem nie.

14. Die UNTAG-verkiesingstoesighouers mag deelneem aan die ondersoek na kiesers se aanspraak op 'n stembrief, en mag in die besonder hul vingers ondersoek om vas te stel of die identifikasiemerk aanwesig is.

15. Die hoofverkiesingsbeampte moet met sy UNTAG-eweknie ooreenkom oor die wyse waarop verkiesingsagente teen 'n kieser beswaar mag maak.

16. Voordat daar van enige kieser wat sowel 'n registrasiekaart wat in dieselfde verkiesingsdistrik as die stemlokaal uitgereik is, as 'n identiteitsdokument of beëdigde verklaring rakende sy identiteit aanbied, vereis word om op grond van 'n betwisting of om enige ander rede 'n aangebode stem uit te bring, moet die voorsittende beampte van die stemlokaal met sy UNTAG-eweknie beraadslaag en laasgenoemde se mening in ag neem. Indien 'n voorsittende beampte deur sy UNTAG-eweknie ingelig word dat laasgenoemde van mening is dat 'n besondere kieser 'n aangebode stem moet uitbring, moet daar van sodanige kieser vereis word om dit te doen.

17. By die ondersoek van registrasiekaarte of beëdigde verklarings betreffende verlore registrasiekaarte wat aangebode stembriewe vergesel, moet die hoofverkiesingsbeampte die instemming van sy UNTAG-eweknie verkry voordat enige aangebode stem verwerp of aanvaar word. As geen sodanige akkoord bereik kan word nie, moet die kwessie van aanvaarding of verwerping van die stembrief na die Administrateur-generaal en Spesiale Verteenwoordiger verwys word.

18. By die tel van stemme moet telbeamptes die instemming van hul

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.

UNTAG-eweknieë verkry voordat hulle 'n stem verwerp of besluit aan welke party 'n twyfelagtige stem toegeken moet word.

19. Alvorens die uitslag van enige telling van stemme op distriksvlak of vir die verkiesing as geheel aangekondig word, moet die betrokke verkiesingsbeampte die instemming van sy UNTAG-eweknie verkry.

20. Enige geskil tussen die hoofverkiesingsbeampte en 'n geregistreerde party rakende die lys kandidate wat laasgenoemde ingevolge die proklamasie voorgelê het, moet deur beraadslaging tussen die Administrateur-generaal en die Spesiale Verteenwoordiger besleg word.

21. Die Administrateur-generaal moet die Spesiale Verteenwoordiger se instemming verkry by die berekening van die aantal kandidate van elke geregistreerde party wat as verkose verklaar moet word, en betreffende die diskwalifisering van enige kandidaat wie se naam op die kandidatelys van enige geregistreerde party verskyn.

22. Gedurende stemming en die tel van stemme moet die hoofverkiesingsbeampte daagliks alle opgawes en inligting rakende die verkiesingsproses aan sy UNTAG-eweknie beskikbaar stel.

23. Die hoofverkiesingsbeampte moet sy UNTAG-eweknie se instemming verkry by die aanwys van stemlokale waarvandaan registrasiekaarte en aangebode stembriewe daagliks gedurende die stemtydperk vir verifiëring kragtens artikel 27 van die proklamasie afgelewer moet word. Die Administrateur-generaal moet die instemming van die Spesiale Verteenwoordiger verkry voordat hy die hoofverkiesingsbeampte opdrag gee om sodanige verifiëring te staak.

24. Die Spesiale Verteenwoordiger mag die Administrateur-generaal te eniger tyd voor of na die verkiesingsuitslae aangekondig is, versoek om 'n volledige verifiëring van alle registrasiekaarte, of beëdigde verklarings in die plek van registrasiekaarte, wat kiesers by stemming aangebied het, te doen ten einde te bepaal in watter mate, indien enigsins, stemme valslik uitgebring is. Sodanige verifiëring moet deur die hoofverkiesingsbeampte en sy personeel onder toesig en beheer van hulle UNTAG-eweknieë uitgevoer word.

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.

25. Indien enige stembus of ander houer met verkiesingsmateriaal deur 'n verkiesingsbeampte verseël moet word, sal sy UNTAG-eweknie daarop geregtig wees om UNTAG-seëls daarop aan te bring. Alvorens enige verseëlde item oopgemaak word, sal 'n UNTAG-verkiesingstoesighouer daarop geregtig wees om die UNTAG-seëls te ondersoek om seker te maak dat daar nie aan hulle gepeuter is nie.

26. Alle stembriewe, hetsy ongebruik, gebruik of bedorwe, alle registrasiekaarte wat deur kiesers aangebied word, en alle stembusse wat enige stembriewe, registrasiekaarte of aangebode stembriewe bevat, moet te alle tye deur sowel SWAPOL as UNTAG-wagte bewaak word - ook tydens vervoer wat nodig mag wees, behalwe dat sodanige bewaking in stemlokale gedurende ure van stemming deur die verkiesingsbeamptes en hulle UNTAG-eweknieë behartig moet word. Hierbenewens moet die voorsittende beampte en sy UNTAG-eweknie, by enige stemlokaal waar geen kluis of brandkamer vir oornagbewaring van sodanige stembriewe, kaarte en busse beskikbaar is nie, by laasgenoemde items bly terwyl daar nie gestem word nie. Die prosedures betreffende sodanige bewaking word in 'n aanhangsel hierby uiteengesit en is deur verwysing hierin vervat.

27. Na afloop van die verkiesing en nadat enige verifiëring wat die Spesiale Verteenwoordiger nodig ag afgehandel is, moet alle stembriewe, hetsy ongebruik, bedorwe, getel of verwerp, na redelike tydsverloop vernietig word, op 'n datum waarop die Administrateur-generaal en die Spesiale Verteenwoordiger ooreenkom.

28. Alvorens iemand ingevolge die proklamasie aangekla word van 'n misdryf moet die Administrateur-generaal met die Spesiale Verteenwoordiger beraadslaag en laasgenoemde se mening in ag neem.

29. Waar klagtes deur individue en/of deur politieke partye of deur UNTAG ingedien word, of waar omstandighede ontstaan wat vrye en regverdige verkiesings kan beïnvloed, moet ondersoeke in die eerste plek deur die voorsittende beampte by die betrokke stemlokaal, in samewerking met sy UNTAG-eweknie, ingestel word. As die saak nie op daardie vlak opgelos kan word nie, moet dit dadelik vir ondersoek na die distriksverkiesingsbeampte en sy UNTAG-eweknie verwys word. Indien die aangeleentheid nie op daardie vlak opgeklaar kan word nie,

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.

Yours sincerely,

Martti Ahtisaari
Special Representative
of the Secretary-General
for Namibia

moet dit sonder versuim na die hoofregistrasiebeampte en sy UNTAG-eweknie verwys word, wat ondersoek sal instel, en onderskeidelik aan die Administrateur-generaal en die Spesiale Verteenwoordiger sal verslag doen ooreenkomstig die Skikplan.

30. Die Administrateur-generaal moet aan UNTAG-personeel sodanige redelike bystand lewer as wat hulle in die uitvoering van hulle opdragte mag vereis.

Ek sal dit op prys stel as ek van u uitdruklike bevestiging ontvang dat u die voorstelle in hierdie brief aanvaar. Na ontvangs van sodanige bevestiging sal ek geen beswaar teen die amptelike afkondiging van die Proklamasie op die Verkiesing (Grondwetgewende Vergadering), 1989 opper nie.

Die uwe
Martti Ahtisaari (geteken)
Spesiale Verteenwoordiger van
die Sekretaris-generaal vir
Namibië

ANNEX

PROCEDURES FOR GUARDING BALLOTS AND OTHER VOTING MATERIALS (Referred to in paragraph 26 of the Exchange of Letters)

1. On the arrival of the ballot papers in 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 elctoral 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 SWAPOL and by UNTAG guards.

AANHANGSEL

PROSEDURES VIR DIE BEWAKING VAN STEMBRIEWE EN ANDER VERKIESINGS-MATERIAAL (waarna in paragraaf 26 van die briefwisseling verwys word)

1. By aankoms van die stembriewe in Windhoek moet verteenwoordigers van die Administrateur-generaal en van die Spesiale Verteenwoordiger

(a) die stembriefies in gesamentlike bewaring neem;

(b) hulle vergewis van die gehalte en inhoud van drukwerk op die stembriewe, en

(c) vasstel of die stembriewe se reeksnommers ooreenstem met dié op die rekwisisies wat uitgereik is.

2. Aanvanklik moet alle stembriewe toegesluit word in 'n kluis met twee afsonderlike slotte, waarvan een deur die hoofverkiesingsbeampte en die ander deur sy UNTAG-eweknie beheer word. Altwee slotte en die deur self kan deur verteenwoordigers van sowel die hoofverkiesingsbeampte as sy UNTAG-eweknie verseël word.

3. Stembriewe wat vir gebruik in elke distrik toegewys is, sal in dose verseël word deur verteenwoordigers van die hoofverkiesingsbeampte en van sy UNTAG-eweknie, en hierdie dose sal begelei word en (teen kwitansie) aan die verkiesingsbeamptes in die teenwoordigheid van hulle UNTAG-eweknieë oorhandig word.

4. Stembriefiewe vir gebruik by vaste en mobiele stemlokale sal deur die verkiesingsbeamptes (teen kwitansie) aan voorsittende beamptes in die teenwoordigheid van hulle UNTAG-eweknieë uitgereik word.

5. Die beheermaatreëls wat voorsittende beamptes toepas ten opsigte van ongebruikte, gebruikte en bedorwe stembriefies sal deur hulle UNTAG-eweknieë gekontroleer en beheer word.

6. Nadat stembriewe by distriksentra getel is, sal hierdie stembriefies en enige verwante registrasiekaarte wat nie vroeër na Windhoek oorgeplaas is nie, deur die verkiesingsbeamptes in stembusse herver-seël word in die teenwoordigheid van hulle UNTAG-eweknieë (distriks-toesighouers), waarna hierdie stembusse na Windhoek

8. Operations at the office of the chief electoral officer and the stongroom thereat will be guarded by SWAPOL and by UNTAG guards for twenty-four 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.

oorgeplaas sal word.

7. Telkens wanneer stembriewe van een plek na 'n ander vervoer word, sal sodanige vervoer gesamentlik deur SWAPOL en UNTAG-wagte behartig word.

8. Werksaamhede by die hoofverkiesingsbeampte se kantoor en die kluis aldaar sal dwarsdeur die stemtydperk en die daaropvolgende teltydperk, en totdat die Spesiale Verteenwoordiger bepaal dat geen verdere verifikasie nodig is nie, vier-en-twintig uur per dag deur SWAPOL en UNTAG-wagte bewaak word.

9. Afskrifte van alle tersaaklike registers, opgawes en kwitansies vir stembriewe of ander verkiesingsmateriaal sal deurlopend aan UNTAG-verteenwoordigers beskikbaar gestel word.

KANTOOR VAN DIE ADMINISTRATEUR-GENERAAL
OFFICE OF THE ADMINISTRATOR-GENERAL

Verw. / Ref. No.
Tel. No. 3-6630
Teleks No. / Telex No. 50-908-3222

Privaatsak / Private Bag 13278
WINDHOEK
9000

9 October 1989

Dear Mr Ahtisaari

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.

Yours sincerely

L A Pienaar
ADMINISTRATOR-GENERAL

Mr M Ahtisaari,
Special Representative of the
Secretary General for Namibia,
Troskie Building,
Windhoek

BYLAE B

Kantoor van die Administrateur-Generaal
Office of the Administrator-General

9 Oktober 1989

Mnr M Ahtisaari
Spesiale Verteenwoordiger van die
Sekretaris-generaal vir Namibië
Troskie-gebou
WINDHOEK
9000

Geagte mnr Ahtisaari

Ek erken ontvangs van u skrywe van 9 Oktober 1989 in verband met die hangende amptelike afkondiging van die Verkiesingsproklamasie (Grondwetgewende Vergadering) 1989, en bevestig dat dit ooreenstem met ons gesprekke en dat ek akkoord gaan met die inhoud daarvan.

Die uwe

Louis Pienaar (geteken)
L A Pienaar
ADMINISTRATEUR-GENERAAL

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