

The D. F. Malan Accord, 12 February 1991.

Report of the working group under paragraph three of the Pretoria Minute

1. The Working Group was established under paragraph 3 of the Pretoria Minute, which reads as follows:

In the interest of moving as speedily as possible towards a negotiated peaceful political settlement and in the context of the agreements reached, the ANC announced that it was now suspending all armed actions with immediate effect. As a result of this, no further armed actions and related activities by the ANC and its military wing, uMkhonto we Sizwe will take place. It was agreed that a Working Group would be established to resolve all outstanding questions arising out of this decision to report by 15 September 1990. Both sides once more committed themselves to do everything in their power to bring about a peaceful solution as quickly as possible.

2. Having decided that it would not have been possible to submit a final report by the 15th September 1990, an interim report was brought out on 13 September 1990.

3. Since then a number of meetings have taken place. This report was finalised at a meeting on the 12th of February 1991.

4. With reference to the word 'suspending' as used in paragraph 3 of the Pretoria minute, the Working Group reiterated what was said in paragraph 4 of its Interim Report, namely that suspension occurred as a step in the process of finding peaceful solutions, with the presumption that the process would lead to the situation where there would be no return to armed action.

5. (a) Under the terms of suspension of 'armed action' and 'related activities' by the ANC, with specific reference also to Umkhonto we Sizwe and its organised military groups and armed cadres, it was agreed that the following will not take place:

- (i) Attacks by means of armaments, firearms explosive or incendiary devices
- (ii) Infiltration of men and material
- (iii) Creation of underground structures
- (iv) Statements inciting violence (v) Threats of armed action
- (vi) Training inside South Africa

(b) The Working Group:

- (i) agreed that the democratic process implies and obliges all political parties and movements to participate in this process peacefully and without resort to the use of force;
- (ii) therefore accepted the principle that in a democratic society no political party or movement should have a private army;
- (iii) noted that the ANC had, in good faith and as a contribution to the process of arriving at a peaceful settlement announced the suspension of all armed actions and related activities, with the presumption that the process would lead to the situation where there would be no return to armed action;
- (iv) noted that by virtue of the fact that uMkhonto we Sizwe is no longer an unlawful organisation, membership thereof is not in violation of any of the provisions of paragraph 3 of the Pretoria Minute and the letter and spirit of the Pretoria Minute as a whole;
- (v) noted the historical fact that the ANC and uMkhonto we Sizwe had placed arms and cadres within the country;
- (vi) agreed that in the context of paragraph 5(b) (ii), (iii) and (iv) above, it was vital that control over such cadres and arms be exercised to ensure that no armed actions or related activities occur;
- (vii) further agreed that in the context of paragraph 5 (b) (ii), (iii) and (iv) above, a phased process be initiated in order to enable these cadres of the ANC to resume their normal lives and also facilitate and legalise control over the arms and the process to ensure such legality will immediately be taken further by the Working Group;
- (viii) agreed that where applicable, individual weapons shall be licensed in terms of existing legislation;
- (ix) further agreed that the security forces take cognisance of the suspension of armed action and related activities and that the parties hereto will remain in close liaison with one another according to the procedure prescribed in 6(a) of this document with a view to ensuring prompt and efficient reporting, investigation and redressing, where applicable, of all allegations of unlawful activities or activities contrary to the spirit of this agreement, by the security forces.

(c) The Working Group:

- (i) agreed that the population at large has a right to express its views through peaceful demonstrations;

(ii) further agreed that it is urgent and imperative that violence and intimidation from whatever quarter accompanying mass action should be eliminated;

(iii) further agreed that peaceful political activities and stability must be promoted;

(iv) further agreed that to this end joint efforts should be made to implement the intentions contained in paragraphs 5 of the Groote Schuur and the Pretoria Minutes to ensure that grievances and conflict-creating situations are timeously addressed.

6. (a) The Working Group agreed that designated members of the ANC would work with government representatives in a Liaison Committee to implement this agreement, and that the existing nominated SAP and ANC liaison officials appointed in accordance with paragraph 5 of the Groote Schuur Minute shall serve as supporting structure of the Liaison Committee.

(b) It is agreed that this agreement will be implemented forthwith and its objectives attained as speedily as possible.

(c) It is further agreed that in view of the above the process of attaining the objectives contained in paragraph 2 of the Pretoria Minute will be realised according to the procedures contained in that minute.

7. It is understood that nothing in or omitted from the agreement will be construed as invalidating or suspending the provisions of my law applicable in South Africa.

8. It is recommended that this Working Group be continued to supervise the implementation of this agreement relating to paragraph 3 and the activities of the Liaison Committee and to give attention to further matters that may arise from the implementation of this agreement, such as proposed defence units.

Joint statement by the State President, Mr F. W. de Klerk, Mr Nelson Mandela, Deputy President of the African National Congress

Delegations led by President F W de Klerk and the Deputy President of African National Congress, Mr Nelson Mandela, met in Cape Town today.

The problems experienced by the Working Group dealing with paragraph 3 of the Pretoria Minute, were resolved and agreement was reached with regard to the most pertinent points.

It was agreed that there was a need for ongoing consultation with the Working Group. The Cabinet and the National Executive Committee of the ANC will consider the document containing the agreement and when approved a full text will be released immediately.

ISSUED BY THE OFFICE OF THE STATE PRESIDENT CAPE TOWN 12 FEBRUARY 1991