

<b>Country/entity</b>	South Africa
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	D.F. Malan Accord and Joint Statement by the State President, Mr F W De Klerk, and Mr Mandela, Deputy, President of the African National Congress
<b>Date</b>	12 Feb 1991
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict <b>Post Apartheid South Africa and Namibian Independence (1990 - 1994)</b>

South Africa – internal. The roots of the modern South African conflict are found in the British and Dutch colonization of Southern Africa, which resulted in the introduction of a white minority who soon held power in the region. The South African state emerged following a hard-fought pact between the British government and the white Afrikaner minority. ‘Apartheid’ – the Afrikaans word for separateness – became official government policy after 1948. Resistance to this system was widespread and took diverse forms. In 1912, the African National Congress (ANC) was formed to push for reforms in the country. After the 1960 Sharpeville massacre several organisations around the ANC took up arms and began to fight the Apartheid government using violent means. During the 1980s, President P.W. Botha introduced a reform policy that enabled the post-1990 peace agreements, which paved the way for the end of the apartheid system.

South Africa- Namibia. One set of agreements relates to the independence of Namibia which followed from the end of apartheid.

Close

Post Apartheid South Africa and Namibian Independence (1990 - 1994)

<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government
<b>Peace process</b>	South Africa peace process
<b>Parties</b>	Joint statement by the State President, Mr F. W. de Klerk, Mr Nelson Mandela, Deputy President of the African National Congress
<b>Third parties</b>	-
<b>Description</b>	Report of the Working Group under para. 3 of the Pretoria Minute. Sets out the terms of the ANC's suspension of armed activities and commitment to exclusively peaceful means.

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**Agreement document**      [ZA\\_910212\\_Malan Accord.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## **Groups**

**Children/youth**      No specific mention.

**Disabled persons**      No specific mention.

**Elderly/age**      No specific mention.

**Migrant workers**      No specific mention.

**Racial/ethnic/  
national group**      No specific mention.

**Religious groups**      No specific mention.

**Indigenous people**      No specific mention.

**Other groups**      No specific mention.

**Refugees/displaced  
persons**      No specific mention.

**Social class**      No specific mention.

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## **Gender**

**Women, girls and  
gender**      No specific mention.

**Men and boys**      No specific mention.

**LGBTI**      No specific mention.

**Family**      No specific mention.

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## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society** Page 1,  
5. (c) The Working Group:  
(i) agreed that the population at large has a right to express its views through peaceful demonstrations;  
... (iii) further agreed that peaceful political activities and stability must be promoted;

**Traditional/religious leaders** No specific mention.

**Public administration** No specific mention.

**Constitution** No specific mention.

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#### **Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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#### **Human rights and equality**

**Human rights/RoL general** Page 2,  
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.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights** Human rights and equality→Civil and political rights→Vote and take part  
Page 1,  
5 ... (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.

**Socio-economic rights** No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	Page 1, 5 ... (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;
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	No specific mention.
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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## **Justice sector reform**

<b>Criminal justice and emergency law</b>	Justice sector reform→Criminal justice and emergency law→Reform to specific laws Page 2, 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.
<b>State of emergency provisions</b>	No specific mention.
<b>Judiciary and courts</b>	No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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**Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian rights or access** No specific mention.

## **Security sector**

### **Security Guarantees**

Page 1,

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.

### **Ceasefire**

Security sector→Ceasefire→Ceasefire provision

Page 1,

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.

Page 1,

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

### **Police**

No specific mention.

### **Armed forces**

No specific mention.

**DDR**

Security sector→DDR→Demilitarisation provisions

Page 1,

5 ... (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.

**Intelligence services**

No specific mention.

**Parastatal/rebel and opposition group forces**

Page 1,

5. (b) The Working Group:

(ii) therefore accepted the principle that in a democratic society no political party or movement should have a private army;

**Withdrawal of foreign forces**

No specific mention.

**Corruption**

No specific mention.

**Crime/organised crime**

No specific mention.

**Drugs**

No specific mention.

**Terrorism**

No specific mention.



## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement  
mechanism**

Page 1,

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Page 2,

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.

**Related cases**

No specific mention.

**Source**

Originally sourced from ANC website: [www.anc.org.za](http://www.anc.org.za) [no longer available from this source].

Also available from the O'Malley archive hosted by the Nelson Mandela Centre of Memory:

<https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02103/05lv02109/06lv02110.htm>

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