

Country/entity	South Africa
Region	Africa (excl MENA)
Agreement name	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
Date	12 Feb 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Post Apartheid South Africa and Namibian Independence (1990 - 1994)
	<p>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.</p> <p>South Africa- Namibia. One set of agreements relates to the independence of Namibia which followed from the end of apartheid.</p> <p>Close Post Apartheid South Africa and Namibian Independence (1990 - 1994)</p>
Stage	Pre-negotiation/process
Conflict nature	Government
Peace process	South Africa peace process
Parties	Joint statement by the State President, Mr F. W. de Klerk, Mr Nelson Mandela, Deputy President of the African National Congress
Third parties	-
Description	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.

Agreement document

[ZA_910212_Malan Accord.pdf \(opens in new tab\)](#) | [Download PDF](#)

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.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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.

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.

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.

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.

Rights related issues

Citizenship	No specific mention.
Democracy	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;
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	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.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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.

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.

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