

WSP/054/0012/7



***NATIONAL EXECUTIVE COMMITTEE***  
***DOCUMENTS***

***30 SEPTEMBER 1992***



***AFRICAN NATIONAL CONGRESS***  
***NATIONAL EXECUTIVE COMMITTEE***

***DATE: Wednesday, 30 September 1992***

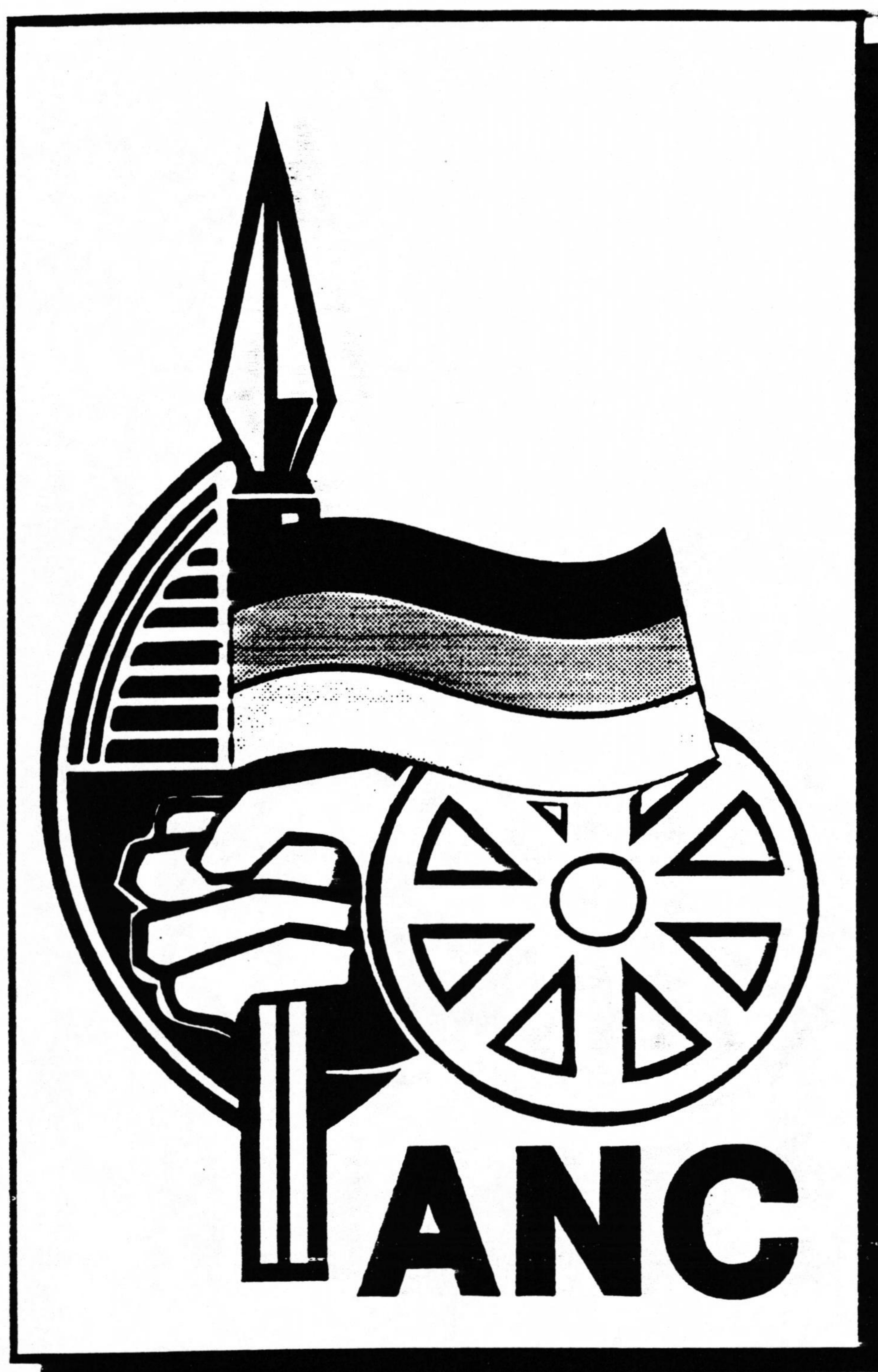
***VENUE: Kempton Park Conference Centre***

***TIME: 10:00***

***DRAFT AGENDA***

- 1. Opening***
- 2. Adoption of Agenda***
- 3. Apologies***
- 4. Ratification of Record of Understanding and Implementation***  
***Programme on Hostels and Release of Political Prisoners***
- 5. Way Forward: Negotiations Process***
- 6. Assessment of Current Programme of Mass Action***
- 7. Closure***





***AGREEMENTS ENTERED INTO  
BETWEEN THE ANC AND THE SOUTH  
AFRICAN GOVERNMENT AT THE  
SUMMIT MEETING HELD ON 26  
SEPTEMBER, 1992.***



**MEETING BETWEEN THE STATE PRESIDENT OF THE  
REPUBLIC OF SOUTH AFRICA AND THE PRESIDENT  
OF THE AFRICAN NATIONAL CONGRESS HELD AT  
THE WORLD TRADE CENTRE ON THE 26 SEPTEMBER  
1992**

1. The attached Record of Understanding was agreed to.
2. On the way forward -
  - The two delegations agreed that this summit has laid a basis for the resumption of the negotiation process.
  - To this end the ANC delegation advised the South African Government that it would recommend to its National Executive Committee that the process of negotiation be resumed, whereafter extensive bilateral discussions will be held.
  - It was agreed that the practicalities with regard to bilateral discussions will be dealt with through the existing channel.

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## **RECORD OF UNDERSTANDING**

1. Since 21 August 1992 a series of meetings was held between Mr Roelf Meyer, Minister of Constitutional Development and Mr Cyril Ramaphosa, Secretary General of the African National Congress. These meetings entailed discussions with a view to remove obstacles towards the resumption of negotiations and focused on the identification of steps to be taken to address issues raised in earlier memoranda. The discussions took note of various opposing viewpoints on the relevant issues and obstacles. It was decided that these issues should not be dealt with exhaustively in the understanding. This document reflects the understanding reached at the conclusion of the discussions regarding these obstacles and issues.
2. The understandings on issues and obstacles included the following, although it was observed that there are still other important matters that will receive attention during the process of negotiation:
  - (a) The Government and the ANC agreed that there is a need for a democratic constituent assembly/constitution-making body and that for such a body to be democratic it must:
    - be democratically elected;
    - draft and adopt the new constitution, implying that it should sit as a single chamber;
    - be bound only by agreed constitutional principles;
    - have a fixed time frame;
    - have adequate deadlock breaking mechanisms;
    - function democratically i.e arrive at its decisions democratically with certain agreed to majorities; and
    - be elected within an agreed predetermined time period.



Within the framework of these principles, detail would have to be worked out in the negotiation process.

(b) The Government and the ANC agreed that during the interim/transitional period there shall be constitutional continuity and no constitutional hiatus. In consideration of this principle, it was further agreed that:

- the constitution-making body/constituent assembly shall also act as the interim/transitional Parliament;
- There shall be an interim/transitional government of national unity;
- the constitution-making body/constituent assembly cum interim/transitional Parliament and the interim/transitional government of national unity shall function within a constitutional framework/transitional constitution which shall provide for national and regional government during the period of transition and shall incorporate guaranteed justiciable fundamental rights and freedoms. The interim/transitional Parliament may function as a one- or two-chambered body.

(c) The two parties are agreed that all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released. The Government and the ANC agreed that the release of prisoners, namely, those who according to the ANC fall within the guidelines defining political offences, but according to the Government do not, and who have committed offences with a political motive on or before 8 October 1990 shall be carried out in stages (as reflected in a separate document: *Implementation Programme: Release of Prisoners*) and be completed before 15 November 1992. To this end the parties have commenced a process of identification. It is the Government's position that all who have committed similar offences but who have not been charged and sentenced should be dealt with on the same basis. On this question no understanding could be reached as yet and it was agreed that the matter will receive further attention.

As the process of identification proceeds, releases shall be effected in the above-mentioned staged manner. Should it be found that the current executive powers of the State do not enable it to give effect to specific releases arising from the above identification the necessary legislation shall be enacted.



- (d) The Goldstone Commission has given further attention to hostels and brought out an urgent report on certain matters and developments in this regard. The Commission indicated that the problem is one of criminality and that it will have to investigate which localities are affected.

In the meantime some problematic hostels have been identified and the Government has undertaken as a matter of urgency to address and deal with the problem in relation to those hostels that have been associated with violence. Further measures will be taken, including fencing and policing to prevent criminality by hostel dwellers and to protect hostel dwellers against external aggression. A separate document (*Implementation Programme: Hostels*) records the identification of such hostels and the security measures to be taken in these instances.

Progress will be reported to the Goldstone Commission and the National Peace Secretariat. United Nations observers may witness the progress in co-operation with the Goldstone Commission and the National Peace Secretariat.

- (e) In the present volatile atmosphere of violence, the public display and carrying of dangerous weapons provokes further tension and should be prohibited. The Government has informed the ANC that it will issue a proclamation within weeks to prohibit countrywide the carrying and display of dangerous weapons at all public occasions subject to exemptions based on guidelines being prepared by the Goldstone Commission. The granting of exemptions shall be entrusted to one or more retired judges. On this basis, the terms of the proclamation and mechanism for exemption shall be prepared with the assistance of the Goldstone Commission.
- (f) The Government acknowledges the right of all parties and organisations to participate in peaceful mass action in accordance with the provisions of the National Peace Accord and the Goldstone Commissions' recommendations. The ANC for its part reaffirms its commitment to the provisions of the Code of Conduct for Political Parties arrived at under the National Peace Accord and the agreement reached on 16 July 1992 under the auspices of the Goldstone Commission as important instruments to ensure democratic political activity in a climate of free political participation. The two parties also commit themselves to the strengthening of the Peace Accord process, to do everything in their power to calm down tensions and to finding ways and means of promoting reconciliation in South Africa.



In view of the progress made in this summit and the progress we are likely to make when negotiations are resumed, the ANC expresses its intention to consult its constituency on a basis of urgency with a view to examine the current programme of mass action.

3. The two parties agreed to hold further meetings in order to address and finalise the following matters which were not completed at the summit:

- Climate of free political activity.
- Repressive/security legislation.
- Covert operations and special forces.
- Violence.

Agreed to at Johannesburg on 26 September 1992:

F W de Klerk  
State President

N R Mandela  
President: ANC

26 September

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## **IMPLEMENTATION PROGRAMME: HOSTELS**

### **(IN TERMS OF THE RECORD OF UNDERSTANDING)**

- 1** The hostels presently identified as problematic and have either had a history or present propensity to violence are listed in annexure "H1".
- 2.1** The Government and the ANC endorse the recommendations by Justice Goldstone in his report to the State President dated 18th September 1992 that certain hostels are associated with criminality and must be addressed and dealt with by the Government which has the primary responsibility for maintaining law and order.
- 2.2** The Government, having accepted the Goldstone Commission Report, will fence the following hostels in terms of the definition set out in paragraph 1.1 in annexure "H2" in order to prevent criminality by hostel-dwellers and to protect the hostel residents from external aggression:-
  - a)** Mzimhlope, Dube, Nancefield, Dobsonville and Merafe (all situated in the greater Soweto area).
  - b)** Madala (situated in Kagiso).
  - c)** Sebokeng complex (situated in the Vaal area).
- 3** The following two hostels in KwaZulu, being Umlazi Section T Unit 17 and Kwa Mashu have been identified by the ANC as being associated with violence. The Government has undertaken to consult with the Kwa Zulu Government in this regard.
- 4** The measures required to curtail and prevent violence and provide greater security to both the hostel dwellers and township dwellers alike have been identified and defined in annexure "H2".



**5** The agreed implementation of these measures (annexure "H2") in respect of each hostel is detailed in annexure "H3".

**6 General conditions**

**6.1 Ownership of Hostels**

Ownership in hostels shall not be alienated without consultation.

**6.2 Communication**

**6.2.1** A written report detailing all policing work carried out in respect of the identified hostels including a narration of violence occurring, confiscation of weapons, charges brought and all violence related crimes and activities, shall be submitted every two weeks by the police authorities responsible for the security of all hostels to the Minister of Law and Order.

**6.2.2** A written report detailing the progress in respect of the implementation of this agreement, including the question of fencing and access control, shall be submitted to the Minister of Local Government and Lands and National Housing every two weeks.

**6.2.3** Copies of the above reports shall be made available to the Goldstone Commission for dissemination to all interested parties.

**6.3 Review Meetings**

Meetings between the ANC and the Government to review the present agreement and reports including review of the list of hostels would take place as often as may be necessary.



#### **6.4 Time Frames**

**6.4.1** Government shall present a detailed production programme by no later than the 15th October, 1992 and to commence construction of the first fence(s) on or before the 22nd October, 1992 and to proceed thereafter with all due diligence and the process completed by 15th November 1992. Should a longer period be required for completion of this task, then urgent and more speedy temporary measures regarding fencing together with urgent policing action shall be undertaken immediately.

**6.4.2** Government undertakes to commence with the repair work and maintenance in the terms set out in the paragraph above.

#### **6.5 Communication Strategy**

**6.5.1** Liaison with the hostel communities will be undertaken by Government about the fencing programme paying particular attention to the temporary and stabilising features.

**6.5.2** Government will further utilise the appropriate media to publicly convey the rationale for the fencing programme in such a manner that tensions are reduced.

#### **6.6 Ownership of private hostels**

**6.6.1** Government undertakes to meet with the private owners of hostels included in annexure "H1" to solicit their cooperation and assistance in the compliance of this agreement. Progress reports in this regard shall be made available.



AGREED PRIORITY LIST: HOSTELS IN PWV

DATE: 21 SEPTEMBER 1992

1. Kwa Madala
2. Mzimlope
3. Madala (Alexandra)
4. Nobuhle
5. Dobsonville
6. Dube
7. Ratanda
8. George Goch
9. Selby
10. Denver
11. Jeppe
12. Nancefield/Lefateng
13. Tokoza I, II en III
14. Kwesine
15. Sebokeng
16. Nguni
17. Merafe/Mapetla
18. Kagiso (Madala)
19. Musimuzi
20. Diepkloof
21. Kwa Masiza
22. Setokga
23. Van Beeck (May May)
24. Jabulani

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**IMPLEMENTATION PROGRAMME: HOSTELS**  
**(IN TERMS OF THE RECORD OF UNDERSTANDING)**

**DEFINITIONS**

**"H2"**

**1     Securing the perimeter**

**1.1   New Perimeters**

'New perimeters' shall mean that a new enclosure of 2 metres in height allowing for limited access points. Such fences shall be maintained until the situation has stabilised to the satisfaction of the Goldstone Commission.

**1.2   Existing Perimeters**

'Existing perimeters' shall mean that where existing enclosures have been damaged or breached that these would be repaired, made good and maintained to 100% cover and allowing for limited access points.

**1.3   Emergency Fencing**

Dannert wire to be put down when extraordinary circumstances prevail at a particular hostel for temporary crowd control if necessary.

**2     Searching of Hostels**

Three methods of searching hostels were identified by the South African Police. These are as follows:-

- 2.1   Full scale organised searches** conducted with or without the assistance of the SADF acting on information or whenever necessary. This would entail the cordoning off of a hostel or successive parts of a hostel whilst a detailed search is carried out of the hostel and its precincts. Such searches should be conducted in the presence of the occupants of the rooms unless such occupant is not available.



**2.2 Routine searches** would entail a search conducted in response to an incident or acting on information relating to dangerous weapons, the planning of violence, pursuing suspects, acting on a warrant of arrest and the planning and or carrying out of any criminal activity.

**2.3 Random/ Spot searches** would entail a search conducted on a random basis and may include any particular part of a hostel.

### **3 Access/ Arms Control**

**3.1 Access/ Arms control** would entail a 24 hour control of all access points by the responsible authorities, acting in conjunction with the police or other law enforcement agency when and where necessary and in terms of the relevant legislation with a view to controlling the movement of all weapons, including the random search of people entering or exiting the hostel. The National Peace Secretariat and the Goldstone Commission shall be requested to monitor this process, while the United Nations observers may witness it.

**3.2 Access Control** of bona fide residents of the hostels shall be instituted by the responsible authorities, acting in conjunction with the police or other law enforcement agency when and where necessary, and in terms of the recommendations to be made by the Goldstone Commission.

### **4 Policing**

**Policing** would entail ensuring that:-

**4.1** sufficient police personnel are available so as to ensure that the police are able to act within a reasonable response time;

**4.2** regular patrols around and in the vicinity of hostels are provided in addition to normal policing activities;



**4.3** the parties reaffirm their commitment to the relevant provisions of the National Peace Accord in this regard.



# AGREED PRIORITY LIST: HOSTELS IN PWV - NATAL

DATE: 21 SEPTEMBER 1992

	1	2	3	4
1. Kwa Madala	/ E.D.	/	/ E.D.	/
2. Mzimlope	N.P.	/	/	/
3. Madala (Alexandra)	E.D.	/	/	/
4. Nobuhle	E.D.	/	/	/
5. Dobsonville	X NP	/	✓	/
6. Dube	N.D.	/	/	/
7. Ratanda	E.D.	/	/	/
8. George Goch	E.D.	/	/	/
9. Selby	E.D.	/	/	/
10. Denver	E.D.	/	/	/
11. Jeppe (WOLMARER)	E.D.	/	/	/
12. Nancefield/Lefateng	N.D.	/	/	/
13. Tokoza I, II and III	E.D.	/	/	/
14. Kwesine	E.D.	/	/	/
15. Sebokeng	N.D.	/	/	/
16. Nguni	X	/	X	/
17. Merafie/Mapetla	N.D.	/	/	/
18. Kagiso (Madala)	N.D.	/	/	/
19. Vusimuzi	E.D.	/	/	/
20. Diepkloof	X	✓	X	/
21. Kwa Masiza	E.D.	/	/ E.D.	/
22. Setokga	E.D.	/	/	/
23. Van Beeck (May May)	E.D.	/	/	/
24. Jabulani	X	/	X	/
25. S. J. SMITH	X	/	X	/
26. S. J. SMITH	X	/	X	/
27. Thokozani Hostel	X	/	X	/

1 = Securing the parameter  
2 = Searching  
3 = Access/arms control  
4 = Policing  
25. Dobsonville

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**IMPLEMENTATION PROGRAMME:  
RELEASE OF PRISONERS (IN TERMS OF THE  
RECORD OF UNDERSTANDING)**

1. Prisoners on the list attached hereto are to be released forthwith.
2. The following prisoners shall be released next Monday 28 September 1992 on parole:

Mzondeleli Nondula  
Mthetheleli Mncube  
Robert John McBride  
Sylvia Mjingwana

It is recorded that these prisoners have already applied to be released on parole.

3. Other prisoners serving life sentences shall be released on or before 15 November 1992.
4. As the identification of other prisoners proceeds, they shall be released.
5. The process of releases shall be completed before 15 November 1992. Where a prisoner is identified after 15 November 1992, such prisoner shall also be released.

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DEPARTEMENT VAN KORREKTIEWE DIENSTE

FAX TRANSMISSIE

AAN: MNR KLEYNHANS

VAN: KOMKOR

U VERW:

MY VERW:

DATUM:

DATUM: 1992-09-25

VIR AANDAG:


NAVRAE: GENL-MAJ BRUYN

TEL.:

TEL.: 207-0167

INSAKE : NAAMLYS: VRYLATING VAN GEVANGENES

1. Naamlis van die <sup>148</sup>~~445~~ gevangenes waaraan daar nou magtiging verleen is vir vrylating word vir u hierby aangeheg.

  
AK OPERASIONELE DIENSTE  
HJ BRUYN

Generaal-majoor



<u>REGISTRASIE</u> <u>NOMMER</u>	<u>NAAM</u>	<u>GEVANGENIS</u>
23/8728	AUGUST L	OOS-LONDEN
36/5594	BETA M E	J C STEYN
41/0816	BUTHELEZI J	DURBAN
30/0430	DANSTER C	ST ALBANS
47/1097	DELHLAZO N	GOEDEMOED
36/5270	DICK B B M	ST ALBANS
36/1925	DORANA M	GROENPUNT
36/4836	GARENDEKA S	ST ALBANS
36/6483	GQEZENGELE M M	ST ALBANS
36/5067	GROOTBOOM M	J C STEYN
38/8536	GUMEDE S L	MODDERBEE
34/0083	GUSHE THABO F	GOEDEMOED
47/1100	HABA M	GOEDEMOED
36/1967	JACOBS V P	J C STEYN
34/2164	JAMA T	ST ALBANS
36/8174	JAMES L	OOS-LONDEN
36/5088	JAWA M B	J C STEYN
36/4833	KETYE S	J C STEYN
42/9678	KHASU E L	GROOTVLEI
36/0020	LWAYO M	OOS-LONDEN
41/0771	LUCAS M	PRETORIA
36/4271	MADASI Z	GOEDEMOED
35/9370	MAGABA T H	J C STEYN
31/8114	MAGAGULO M M	BARBERTON
35/1321	MAHLANGU P	LEEUEWKOP
35/9803	MAHLEZA E	ST ALBANS
34/4179	MAJOLA F	WINEBURG



36/2203	MAKELENI M	ST ALBANS
36/1946	MALEDI B Z	ST ALBANS
31/8085	MANZINI N E	BARBERTON
47/1098	MAQHUBELA V	GOEDEMOED
33/4007	MATHENJANE K	BAVIAANSPOORT
47/1979	MAXASA M	OOS-LONDEN
36/0475	MBAMBO S T	J C STEYN
36/9311	MBOTYANA M	ST ALBANS
36/1886	MCANDA V	GOEDEMOED
35/9367	MDABONGAYE S	PORT ELIZABETH
35/9477	MDIZA M	GRAHAMSTAD
31/8126	MDUNGE S M	BARBERTON
36/6125	MHLAWULI T	ST ALBANS
36/1931	MJACU M	ST ALBANS
31/0245	MNYAMANA N	GOEDEMOED
48/5616	MOHLALA J	PRETORIA
41/0892	MOKGATLE Z	UPINGTON
40/6087	MOLEPO S	BAVIAANSPOORT
41/0713	MOSEKI J	LEEUEWKOP
35/1319	MOTSAMAI L	LEEUEWKOP
36/1921	MQALO M	GROENPUNT
32/2956	MRWEBI N	MIDDELBURG (KP)
36/8080	NDAMANA W	ST ALBANS
29/0842	NDWANA Z	ST ALBANS
34/7392	NETSHIPE J	BAVIAANSPOORT
35/9423	NGESMANE M	ST ALBANS
41/0815	NGUBO S M	DURBAN
50/0737	NKOSI D	PRETORIA
41/0768	NKUNA E M	BARBERTON



40/0646	PETER MONDE	GOEDEMOED
36/4189	PETROS LUNGA B	GOEDEMOED
36/4834	QHUZA M	ST ALBANS
36/2204	RASAYE Z	ST ALBANS
35/1332	RATONE E	LEEUEWKOP
47/0638	RAWULA P P	ST ALBANS
47/5626	RIKHOTSO M W	LEEUEWKOP
47/1093	SAWULI M	GOEDEMOED
29/7013	SEFATSA R	LEEUEWKOP
42/2123	SIBOZA B C	WITBANK
29/1096	SIMANA M	GROOTVLEI
43/0447	STAITAI ARON	GROOTVLEI
36/3978	TANA Z G	GOEDEMOED
34/8190	TSHABALALA M	MODDERBEE
36/3599	TSHIBO M	J C STEYN
38/7715	TWALE S	JOHANNESBURG
32/2957	TYALIYE F	ST ALBANS
35/5597	TYENELE A	GOEDEMOED
34/0168	VAN STADEN G	ST ALBANS
36/8081	WATERMEYER A	ST ALBANS
36/4268	ZAMXAKA A	GOEDEMOED
47/1099	BATYI M	GOEDEMOED
41/0745	BOOYSEN T S	GROOTVLEI
32/3586	DYANI Z	QUEENSTOWN
47/1978	GQWENTANI G	OOS-LONDEN
31/8158	KHOSA N J	BARBERTON
31/8113	LUKHELE D JOSEPH	BARBERTON
38/7013	MAKELENI M C	GOEDEMOED



43/2173	MBATHA J	GROENFUNT
22/6436	MDAYI N C	GOEDEMOED
43/2307	NOMAGANGA D V	GROOTVLEI
36/5867	SEPTEMBER N N	ST ALBANS
31/8089	SHONGWE E	BARBERTON
31/8087	MNISI PHILLIP	BARBERTON
31/0537	JACK V	GROOTVLEI
36/9528	BOOI THEMBIKILE	ST ALBANS
36/7322	MENE THEMBA	ST ALBANS
36/5584	MZIWAKHE BERRY	J C STEYN
36/8025	MZWANDILE JACOBS	ST ALBANS
32/3077	BENNETT GEORGE	J C STEYN
36/8026	MPHALANE RICHARD	J C STEYN
41/6645	MASHEGO BOET GEORGE	BARBERTON
41/6647	MASHEGO DILAI LOUIS	BARBERTON
44/9267	MENYOLO KOOS	GOEDEMOED
41/0804	GOWYA S	OOS-LONDEN
23/4945	MALAZA L	PRETORIA
38/7088	MAMAYO J	OOS-LONDEN
69/5752	MHLONGO S M	DURBAN
42/8766	MOLOBENG J	GROOTVLEI
41/0725	NTOMBELA H W	LEEUEWKOP
38/7009	SETLABA P T	LEEUEWKOP
76/4511	MODIPANE M	BARBERTON
76/4513	MOGAKANE A	BARBERTON
76/4512	KHOZA D	BARBERTON
36/5556	MEHLO T	ST ALBANS
35/8036	QATANA S	ST ALBANS
35/9475	DUMA S	OOS-LONDEN



35/9693	MABANGA S T	GOEDEMOED
36/2178	DABULA K V	ST ALBANS
38/7058	SKOSANA G	PRETORIA
41/0805	DHLABATHI P	PRETORIA
36/7954	BOSS M	J C STEYN
41/0864	JANTJIES S	ST ALBANS
41/0863	BOSS N N	ST ALBANS
47/1980	ZONO K	GOEDEMOED
36/8027	BLACKKEY S	ST ALBANS
36/3679	MNGENI T	ST ALBANS
29/7018	MOKGESI T	LEEUEWKOP
35/9532	ZANGQA M	J C STEYN
47/1096	NDEVU M	GOEDEMOED
50/1609	BOSS A T	ST ALBANS
27/2720	NKONA N	ST ALBANS
63/0391	SAAYMAN DOLF	WORCESTER
36/9294	LIVINGSTON M	GENL JC STEYN
47/1094	NTANTISO M	GOEDEMOED
41/0818	KHUZWAYO V W	DURBAN
47/1982	KOGINA L	GOEDEMOED
52/0588	MAJOLA D J	SEVONTEIN
41/0817	SABELO B	DURBAN
41/0868	MATSHILE W	LEEUEWKOP
36/6482	NYUSHA M	GENL JC STEYN
36/5869	CILANA T H	ST ALBANS
21/0851	GANI V D S	GOEDEMOED
36/5810	HETENI V (MSUTHU)	ST ALBANS
47/0679	JAXA C	GOEDEMOED
67/9722	MBAZA A	BARBERTON



46/7559	KHUMALO M	DURBAN
43/0446	SISHUBA P	GROOTVLEI
47/1095	SOBEKWA M	GOEDEMOED
29/6344	TSAWANE J	LEEUEWKOP
41/0760	LEBEPE S	BAVIAANSPOORT
19/4146	CHICKEN H	GROOTVLEI



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# ANC

## Negotiations Bulletin

Number 15

29 September 1992

<b>INTRODUCTION</b>	The Summit between the ANC and the NP regime on the 26th September 1992 was a major step towards peace and the resumption of negotiations.
<b>BACKGROUND TO THE SUMMIT</b>	<p>The deadlock in the process of negotiations at Codesa II arose because the NP regime refused to accept the ANC proposal that the Constituent Assembly (CA) be a democratically elected body with full sovereign powers to draft and adopt a new democratic constitution sitting as a single chamber. Under various guises, the NP insisted on a minority veto.</p> <p>In the meanwhile, the massacre in Boipatong and the obvious complicity of state security forces in the violence forced the National Executive Committee of the ANC to make the 14 demands related to violence and negotiations. It was further resolved to break off all negotiations with the NP regime until these demands were satisfactorily addressed. The ANC also called for the intervention of the United Nations and an international inquiry into the massacre and other acts of violence.</p> <p>The ANC was successful in its appeal to the United Nations. The UN Security Council (UNSC) resolved to dispatch Cyrus Vance and other monitors to investigate the situation in South Africa. In the meantime, the NP regime acting under pressure of the international community and our mass action locally, agreed to include various international experts in the Goldstone Commission and to give it investigative powers.</p> <p><b>THE UNSC RESOLUTIONS AND THE UN SECRETARY GENERALS REPORT</b></p> <p>The UNSC Resolution identified as areas of concern relevant to the question of violence in South Africa, the issues of hostels, dangerous weapons, the role of security forces and other armed formations, the investigation and prosecution of criminal conduct, mass demonstrations and the conduct of political parties.</p> <p>Furthermore, based on the report of the UN special representative, Cyrus Vance, the UN Secretary General in his report to the UNSC recommended that:-</p> <ol style="list-style-type: none"><li>1. "the recommendations of the (Goldstone) Commission should be fully and speedily implemented by the Government ..."</li><li>2. dangerous weapons and the security of hostels need to be acted upon with utmost urgency ..."</li><li>3. "the Goldstone Commission undertake a series of investigations into the functioning and operations of certain agencies, inter alia, the army and police ... the KwaZulu police, and, more generally, certain private "security firms".</li><li>4. "it is essential that any further investigations and prosecutions that are required pursuant to its (ie the Goldstone Commission's) reports, should be undertaken promptly by the competent departments of Government."</li><li>5. "actions such as the immediate release of all remaining political prisoners could contribute greatly to improving the political climate, creating trust and burying the unhappy past." The Vance intervention on political prisoners gave impetus for the matter to be dealt with greater <del>imp</del> <i>po</i> <i>pus</i> <i>vigour</i>.</li></ol> <p><b>THE GOLDSTONE COMMISSION</b></p> <p>In the various reports of Justice Goldstone, he recommends that:-</p> <ol style="list-style-type: none"><li>1. "the deployment of an effective police presence in local communities who are able to work in close co-operation with local dispute resolution committees established in terms of the Peace Accord."</li></ol>



- 2 "all hostels should immediately be adequately and securely fenced. A strong and efficient police presence should ensure that no arms are taken in or out of hostels. It should also be in a position to protect all hostel dwellers from external attack."
- 3 "the carrying of any dangerous weapons in public should be outlawed - whether in respect of political meetings or at any other place."
- 4 and noted that with regard to the carrying of dangerous weapons, that "in Natal, it is predominantly members of the Inkatha Freedom Party who insist on this unacceptable practice. Other Zulu men do not find it necessary to do so, either for cultural or any other reasons. The Commission finds it quite unacceptable that even the limited ban on the carrying of weapons to political meetings has been ignored by the Inkatha Freedom Party ... This public flaunting of the law in the presence of a large South African Police presence ... should not be allowed to occur again in future. Steps should be taken to prohibit the carrying in public of any dangerous weapons at any time at all. This constitutes provocative and unacceptable behaviour in any decent society. It is calculated, furthermore, to create a climate of violence."

#### **MEETINGS WITH THE NP REGIME**

As a result of the mass action campaign, international pressure, the United Nations Resolutions, and the Goldstone Commission reports, the NP regime felt obliged to seek a Summit with the ANC to consider ways and means of meeting the demands made by the ANC. The National Working Committee of the ANC responded positively to the request with a view to achieve satisfaction of the demands made by the ANC. Accordingly, various meetings between the ANC Secretary General, Cyril Ramaphosa and the NP regime took place to prepare for the Summit. The position of the ANC was that such a meeting between our leaders was not possible until such time that the NP regime was committed to satisfying the key demands. Furthermore, the ANC felt that unless such a meeting served to restore the confidence of the people in the process of negotiations, it could prove to be disastrous for the process of negotiations.

The outcome of these meetings was a draft of the Record of Understanding thus laying the basis for its adoption at the Summit.

#### **THE SUMMIT**

At the Summit the following agreements were reached with the NP regime:-

##### **1. CONSTITUENT ASSEMBLY**

That there is a need for a democratic Constituent Assembly and that for such a body to be democratic it must:

- \* be democratically elected;
- \* draft and adopt the new constitution, implying that it should sit as a single chamber;
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- \* draft and adopt the new constitution, implying that it should sit as a single chamber;
- \* be bound only by agreed constitutional principles;
- \* have a fixed time frame;
- \* have adequate deadlock breaking mechanisms;
- \* function democratically i.e arrive at its decisions democratically with certain agreed majorities;
- and
- \* must be elected within an agreed predetermined time period.

Within the framework of these principles, detail would have to be worked out in the negotiation process.

##### **2. INTERIM GOVERNMENT**

That during the interim period there shall be constitutional continuity and no constitutional hiatus. In consideration of this principle, it was further agreed that:

- the Constituent Assembly shall also act as an interim Parliament;
- there shall be an interim government of national unity;
- the Constituent Assembly cum interim Parliament and the Interim Government of National Unity shall function within a constitutional framework which shall provide for national and regional government during the period of transition and shall incorporate guaranteed justiciable fundamental rights and freedoms. The interim Parliament may function as a one or two-chamber body.

##### **3. POLITICAL PRISONERS**

That all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released. The NP regime and the ANC agreed that the release of prisoners, namely, those who according to the ANC fell within the guidelines defining political offences, but according to the regime did not, and who have committed offenses



with a political motive on or before 8 October 1990 shall be carried out in stages and completed before 15th November 1992. In this regard, the following was agreed to with regard to implementation:-

- 150 political prisoners were released on the 25th September 1992;
- 4 political prisoners, Robert McBride, Mthetheleli Mncube, Mzondeleli Nondula and Sylvia Mjingwana have been released on the 28th September 1992;
- The remaining political prisoners, that is those who committed offenses before the 8th October 1992, would be released as soon as they have been identified and completed before the 15th November 1992. This process of identification has already begun.
- It was the position of the NP regime that all there should also be a general amnesty for all state officials who may have committed any criminal offenses. This was rejected by the ANC.

#### **4. PROBLEMATIC HOSTELS**

28 hostels were identified by the ANC as problematic which have either had a history or propensity to violence. The NP regime and the ANC endorsed the recommendations by Justice Goldstone that certain hostels are associated with criminality and must be addressed and dealt with by the NP regime which has the primary responsibility for maintaining law and order. The NP regime, having accepted the Goldstone Commission report will install a 2 metre fence with limited access points, in order to prevent criminality by hostel dwellers and to protect the hostel residents from external aggression, around the following hostels: Mzimhlope, Dube, Nancefield, Dobsonville and Merafe (all situated in the Greater Soweto area); Madala (situated in Kagiso); Sebokeng complex (situated in the Vaal area). This would take place on or before the 22nd October 1992 and be completed by the 15th November 1992.

In addition, the NP regime also undertook to provide greater security and monitoring to prevent weapons moving to and from these hostels. To this extent, it was agreed to hold meetings with the NP regime as often as may be necessary to review this agreement and to monitor progress. The NP regime also agreed that no hostels would during the tenure of this agreement be privatised.

#### **5. DANGEROUS WEAPONS**

It was agreed that in the present volatile atmosphere of violence, the public display and carrying of dangerous weapons provokes further tension and should be prohibited. The NP regime has informed the ANC that it will issue a proclamation within weeks to prohibit countrywide the carrying and display of dangerous weapons at all public occasions subject to exemptions based on guidelines being prepared by the Goldstone Commission. The granting of exemption shall be entrusted to one or more retired judges. On this basis, the terms of the proclamation and mechanism for exemption shall be prepared with the assistance of the Goldstone Commission.

#### **6. MASS ACTION**

The NP regime acknowledged the right of all parties and organisations to participate in peaceful mass action in accordance with the provisions of the National Peace Accord and the Goldstone Commissions' recommendations. The ANC for its part reaffirmed its commitment to the provisions of the Code of Conduct for Political Parties arrived at under the National Peace Accord and the agreement reached on the 16th July 1992 under the auspices of the Goldstone Commission as important instruments to ensure democratic political activity in a climate of free political participation. The two parties also committed themselves to the strengthening of the Peace Accord process, to do everything in their power to calm down tensions and to find ways and means of promoting reconciliation in South Africa.

In view of the progress made in the Summit and the progress we are likely to make when negotiations are resumed, the ANC expressed its intention to consult its constituency on a basis of urgency with a view to examine the current programme of mass action.

#### **7. OUTSTANDING ISSUES**

In view of the lack of time, the ANC and the NP regime agreed to hold further meetings to address the following matters:-

- Climate of free political activity (especially in the bantustans);
- Repressive/ security legislation;
- Covert operations and the Special Forces;
- Violence.



	<p><b>8. THE WAY FORWARD</b></p> <p>It was agreed that the Summit laid the basis for the resumption of the negotiations process. To this end the ANC delegation advised the NP regime that it would recommend to its National Executive Committee that the process of negotiation be resumed, whereafter extensive bilateral discussions will be held. It was agreed that the practicalities with regard to bilateral discussions will be dealt with through the existing channel.</p>
<b>CONCLUSION</b>	<p>The ANC will hold a special meeting of its National Executive Committee on Wednesday 30th September 1992 at which it will be recommended that negotiations be resumed. The current programme of mass action will also be examined. Regional negotiations structures should therefore ensure that members of the NEC coming from the various regions are adequately briefed of their views on this matter.</p>
<b>ISSUES FOR DISCUSSION</b>	<p>It is of immediate importance that all structures immediately consider the outstanding issues raised above and forward their views to the Negotiations Commission for consideration. In particular, the following issues should be discussed:-</p> <ol style="list-style-type: none"> <li>1. What measures should be adopted to ensure a climate of free political activity especially in the bantustans?</li> <li>2. What covert operations are you aware of taking place in your areas and how best to deal with it?</li> <li>3. How do we deal with other violence related matters?</li> <li>4. What form should multilateral negotiations take should negotiations be resumed?</li> </ol> <p><b>Please send all your comments to</b></p> <p><b>The Secretary</b></p> <p><b>Negotiations Commission</b></p> <p><b>P O Box 61884</b></p> <p><b>Marshalltown</b></p> <p><b>2107</b></p>