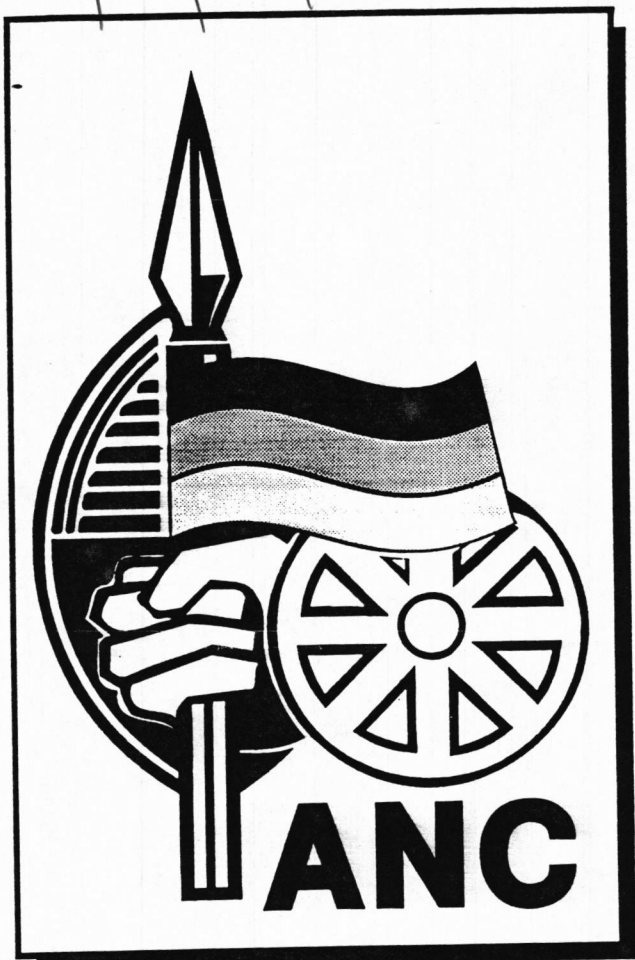


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***AGREEMENTS ENTERED INTO
BETWEEN THE ANC AND THE SOUTH
AFRICAN GOVERNMENT AT THE
SUMMIT MEETING HELD ON 26
SEPTEMBER, 1992.***

**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.

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 PWVDATE: 21 SEPTEMBER 1992

1. Kwa Madala
2. Mzimhlope
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. Vusimuzi
20. Diepkloof
21. Kwa Masiza
22. Setokga
23. Van Beeck (May May)
24. Jabulani

AGREED PRIORITY LIST: HOSTELS IN PWV - NATAL

DATE: 21 SEPTEMBER 1992

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

25. S. J. Smith

26. Chusando

27. Thokozani Women's Hostel

1 = Securing the parameter

2 = Searching

3 = Access/arms control

4 = Policing

25. Knutville

(S) Privately Owned Hostels.
xx Neutral Access Control

X

✓

X

✓

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.