

AFFIDAVIT

The following is an *edited* copy of the affidavit made under oath by Dr Mangosuthu Buthelezi in reply to the Supreme Court action brought by Phineas Zondo, the Congress of South African Trade Union and others against Inkatha and others. *This matter was settled and resulted in the agreement published in this issue. As the applicants' affidavits received widespread publicity, Dr Buthelezi's response, as President of Inkatha, is reproduced in part for balance.*

Immediately after interim orders were obtained a "Press Conference" was held by Cosatu and UDF leaders to ensure that their organisations obtained maximum publicity from such facts.

The main subjective cause of the violence, however, is essentially to be found in the attitude of the external Mission of the ANC (EM) to the First Respondent (Inkatha) and to myself as Chief Minister of KwaZulu Government and President of Inkatha. The UDF is in substance an internal surrogate organization of the ANC (EM) and has adopted a similar attitude to Inkatha and to myself.

MANGOSUTHU GATSHA BUTHELEZI
do hereby make oath and say:

Since the beginning of November 1987, numerous applications have been brought by members of the United Democratic Front ("UDF") and the Congress of South African Trade Unions ("COSATU") for interdicts against members of Inkatha. The relief inevitably is an order seeking to restrain the members of Inkatha cited in those applications from murdering the members of the UDF or Cosatu. As such illegal acts may carry capital punishment, no meaningful advantage can be obtained through a court order in civil proceedings with its sanction of committal for contempt. Accordingly such applications I submit have been brought as political strategy.

When the initial cases were brought before court certain leaders of the UDF and Cosatu became deponents including Jay Naidoo, the leader of Cosatu. Immediately after interim orders were obtained a "Press Conference" was held by Cosatu and UDF leaders to ensure that their organisations obtained maximum publicity from such facts.

In subsequent speeches throughout the country, officials of the UDF and Cosatu have been using the fact of the court orders as propaganda and proof of the fact (as they allege) that the court has found Inkatha responsible for all the violence in the townships surrounding Pietermaritzburg and the UDF and Cosatu supporters are portrayed as the innocent victims.

The present application is in my respectful view a further strategem.

It is clear from the affidavit of Kerchhoff that once again an attempt is being made to portray Inkatha as being solely or largely responsible for the violence that has recently troubled the Pietermaritzburg area . . .

It is accordingly appropriate in my submission that a background to the unrest in the Pietermaritzburg area be given. In order to do that it is necessary for me to deal generally with the relationship between Inkatha on the one hand and the UDF and its affiliates on the other.

Before dealing with the subjective causes of the Pietermaritzburg tragedy, it is necessary to understand that the underlying

cause of the violence in Pietermaritzburg is recognised by authoritative analysts to be the apartheid system.

Statutory discrimination is perceived therefore to be the root cause of an existing socio-economic condition, where people are poorly housed and many out of work. Any Black movement, which is linked by its opponents falsely or otherwise, to the National system, accordingly becomes an identifiable and tangible enemy.

The Pietermaritzburg area has, for many years, had an extremely high rate of unemployment and crime and it is a depressed area where violence is taking place. Similar considerations apply in other parts of South Africa, for example, in the Eastern Cape (where Inkatha has no presence) which is also a depressed area and where the black on black conflicts have been between the UDF and the Black Consciousness organization AZAPO (Azanian Peoples Organisation).

The main subjective cause of the violence, however, is essentially to be found in the attitude of the external Mission of the ANC (hereinafter referred to as the ANC (EM)) to the First Respondent (Inkatha) and to myself as Chief Minister of KwaZulu Government and President of Inkatha. The UDF is in substance an internal surrogate organization of the ANC (EM) and has adopted a similar attitude to Inkatha and to myself. As many of the leading officials of Cosatu are either members or supporters of the UDF, Cosatu has been brought into the conflict area created by the ANC (EM) . . .

Through the establishment of Inkatha, in 1975, I have also mobilised grass roots support throughout the Natal/KwaZulu region and have won support in Soweto and other parts of the Transvaal as well as in the Orange Free State making Inkatha an African body for all South Africa and not only a Zulu organisation. Today its membership exceeds one-and-a-half million, the strongest and most powerful liberation organisation ever built in this country. While proud of this organisation, I have never claimed that Inkatha or the performance of my Government are perfect. We do the best that we can in often appalling circumstances. At present the ANC (EM) and its supporters wish me to be removed and this is the reason why they do everything possible to destabilize my position and to stir anti-KwaZulu

Government and anti-Inkatha sentiment among the people . . .

I am not above public censure and my Government must be prepared for criticism on various levels but it is another matter entirely when violence and other disturbances are fomented which go beyond civilised and universally acceptable norms of opposition.

The implications, therefore, are that either I defend my position or I capitulate. I have chosen the former. First Respondent (*Inkatha*) has made the same choice. As will be seen from what I have to say below the ANC (EM) has orchestrated the conflict not I . . .

From the time of the break with *Inkatha* in 1980, the ANC (EM) had been determined to crush First Respondent (*Inkatha*). The ANC (EM) proclaims itself as the "sole and authentic representative of the people" of Southern Africa. At present the ANC (EM) sees itself as the vanguard movement, and as a government-in-exile, and is not working to establish democratic rights for the people of South Africa. It regiments its members ideologically and inculcates in them the view that only the ANC (EM) can be allowed to make decisions and to direct the affairs of the struggle for liberation. It aims at a total take-over and control and it is ruthless in its dealings with those who are not its supporters . . .

In 1983 the UDF was formed with the express instruction to exclude First Respondent (*Inkatha*) from affiliation.

The UDF is a surrogate of the ANC (EM) acknowledged by the ANC (EM) itself in a report of its National Consultative conference held in a report in June 1985. I annex hereto a copy of the relevant extracts from the report which I mark "M G B 1".

In 1984, the ANC (EM) called for making the townships ungovernable and thereafter supporters of UDF began using physical violence not only against *Inkatha* members and supporters but also against AZAPO — fierce fighting having erupted between both these organisations in the Eastern and Western Cape (where *Inkatha* has no presence) and in certain suburbs of Soweto.

Here it should be noted that despite many differences in outlook between *Inkatha* and the Black Consciousness movement in the 1970's and 1980's there was in reality no physical violence between the two organisations. This example shows that differences in ideologies need not necessarily lead to violence in black

liberation struggles.

Because of its dictatorial attitude, and because *Inkatha* refused to become one of its surrogate organisations, and because the ANC (EM) does not subscribe to what I term a "multi-strategy" approach to the liberation of South Africa, the ANC (EM) has placed on record that I am a "snake" which must be "hit on the head" and that First Respondent (*Inkatha*) must be neutralised. It is therefore obvious that the ANC has concentrated its efforts in Natal where *Inkatha* was launched and enjoys considerable support. It is the stated policy of the ANC (EM) to pursue its so called "armed struggle" and it receives arms, ammunition and financial aid for this purpose from the Soviet Bloc countries.

The foregoing is the final cause of the outbreak of violence in the Pietermaritzburg area and the reason why peace efforts by me have thus far failed.

There are all kinds of people in the UDF and COSATU, and it is only to be expected that the ordinary membership of organisations which are affiliated have in them a mix of decency and ugliness that is found everywhere where humans are gathered together. It is a reality, however, that certain decision-makers in these organisations are activists whom the ANC claim as their own. The ANC talks of the UDF as "their" organisation. They praise the UDF. The UDF leadership praises the ANC. They sit together in foreign places to plot the advantages of the ANC and they work here at home to further the aims of violent revolution.

There is ample evidence of ANC activity in the Pietermaritzburg area and as KwaZulu's Minister of Police, I have access to information that leaves no doubt in my mind that the ANC (EM) has been involved in fomenting violence, for example, at the Pietermaritzburg funeral of the late Mr Lionel Nxumalo, mourners chanted in Zulu "Go well Spear of the Nation" (*Umkhonto We Sizwe*) as well as other statements of support for the ANC (EM).

In a separate affidavit in these proceedings filed evenly herewith and sworn to by other respondents herein a detailed description is given about violence in the Pietermaritzburg area and I refer the above Honourable Court to the aforesaid affidavits.

As I am totally and absolutely opposed to violence as a means of sorting out political differences, I have nothing to gain by creating a revolutionary climate in any

I am not above public censure and my Government must be prepared for criticism on various levels but it is another matter entirely when violence and other disturbances are fomented which go beyond civilised and universally acceptable norms of opposition.

In 1983 the UDF was formed with the express instruction to exclude First Respondent (*Inkatha*) from affiliation.

There is ample evidence of ANC activity in the Pietermaritzburg area and as KwaZulu's Minister of Police, I have access to information that leaves no doubt in my mind that the ANC (EM) has been involved in fomenting violence.

As I am totally and absolutely opposed to violence as a means of sorting out political differences, I have nothing to gain by creating a revolutionary climate in any part of South Africa.

The ANC and its supporters in other organisations see Inkatha and those who are committed to non-violence and negotiation as an obstacle to their success in making the country "ungovernable".

The carnage must stop. I am completely and utterly genuine about this prospect. Having said this it is also obvious that there will, of course, be little prospect of peace as long as certain individuals and organisations are committed to annihilating Inkatha.

There have been ongoing discussions between Inkatha and the UDF. Mr Gumede has been party to these discussions and time and again he has left meetings to seek confirmation from the UDF's national leadership that agreements should take place. Time and again we have not heard from him.

part of South Africa. However, elements within the UDF and COSATU are attempting to use the obvious and appalling deprivation in the area for their own political purposes. (There is also a criminal element which should be taken into account). The ANC (EM) has committed itself to making S.A. "ungovernable". There is considerable UDF/COSATU support for the tactics and strategies of the ANC (EM) and individuals within these organisations which work in tandem with the ANC. The ANC desperately needs to perpetuate their view that the country is ripe for revolution and there is nothing left to do except to "kill" for political purposes. The ANC and its supporters in other organisations see Inkatha and those who are committed to non-violence and negotiation as an obstacle to their success in making the country "ungovernable".

Because of its non-violent opposition to apartheid, First Respondent (Inkatha) and I wish to bring about peace in the Pietermaritzburg area as soon as possible. I support (and always have done) calls for peace and will do everything that I can to diffuse the situation. The carnage must stop. I am completely and utterly genuine about this prospect. Having said this it is also obvious that there will, of course, be little prospect of peace as long as certain individuals and organisations are committed to annihilating Inkatha.

Specifically I have done my best to co-operate with the UDF leadership and with Mr Gumede, its President, as well as with the Archbishop Desmond Tutu who led a delegation of Church leaders to interview me and a delegation from Inkatha. Mr Gumede and Archbishop Tutu have been strangely silent about my offer to stand shoulder to shoulder with them on a public platform to bury our differences and to call for peace and black unity. For some reason the Press have not picked up my repeated statements in this regard. I am prepared to assist in organising the biggest prayer rally for peace this country has ever seen to achieve such an end. It will serve no purpose again to articulate personal differences that have been expressed by us all — they are documented. I would like to call an end to it all. I have been writing to Mr Gumede for many years calling for us both to meet and to discuss our differences. There have been ongoing initiatives from Inkatha to end this violence.

There have been ongoing discussions between Inkatha and the UDF. Mr Gumede has been party to these discussions and time and again he has left meetings to seek confirmation from the UDF's national

leadership that agreements should take place. Time and again we have not heard from him. As far as Archbishop Tutu's involvement is concerned, it is also documented that Inkatha immediately endorsed his and the other church leaders draft peace statements on November 6. We were therefore somewhat shocked that he did not come back to us, as promised, after discussing the draft with the UDF and, instead, issued a completely new and separate statement.

In 1986 Professor H.W. van der Merwe who heads an Institute for Intergroup studies at the University of Cape Town, came to Durban to try and end the black-on-black violence in Natal. He is a Quaker and his reputation was enhanced by the fact that he had been responsible for arranging the meeting in 1986 between leading South African businessmen led by Mr Gavin Relly (Chairman of Anglo-American Corporation) and the ANC (EM) at Lusaka.

In Professor van der Merwe's meetings with representatives of Inkatha it was proposed to him that on the following formula an end to violence could take place:

1. That the **leaders** of Inkatha and UDF meet and issue a declaration of democracy, namely, that all organisations in the liberation movement have the right to espouse their political outlooks.
2. That no violence be used against any organisation for espousing a policy different from that of any other organisation or organisations (in other words, that neither the UDF nor Inkatha would use violence against the other organisation for putting its views to the people and seeking support therefor).
3. That neither organisation uses intimidation against anyone to compel such person or persons to support any initiative of such an organisation, e.g. if UDF calls for a boycott of schools it cannot use intimidation in support of such a call, and vice versa.
4. That a monitoring committee be established to ensure that the above principles are put into practice. The monitoring committee would consist of **representatives of the UDF and of Inkatha** and of a number of impartial persons. Should any accusation be levelled against either organisation for failing to keep to the above principles, the monitoring committee would immediately go into action to investigate the complaint and if it were found, for example, that Inkatha members had breached the above agreement, Inkatha would take the necessary disciplinary steps against its own members and vice versa.

Professor van der Merwe agreed that such a formula would be the best method of achieving peace between Inkatha and the UDF but every attempt taken by him to get acceptance of the formula by the UDF has failed.

Professor van der Merwe agreed that such a formula would be the best method of achieving peace between Inkatha and the UDF but every attempt taken by him to get acceptance of the formula by the UDF has failed.

In desperation in or about August 1986 he called together representatives of Inkatha, UDF, Black Sash, the Legal Resources Centre, Council and a number of churches etc., at the residence of Archbishop Dennis Hurley of the Natal Catholic Church. Professor van der Merwe proposed to all present the acceptance of the above formula. Mr Archie Gumede was present but he was told by a UDF supporter that he (Mr Gumede) could not decide on the issue as at that time the State of Emergency had just been declared and it was supposedly difficult for the UDF leadership under such conditions to be consulted quickly. The meeting was then postponed sine die to give the UDF sufficient time to decide on the issue and thereafter to permit the resumption of the meeting. To this date the UDF has not officially responded to the suggested formula.

Each delegation was then given a week to get confirmation from its particular organisation. Inkatha through me immediately notified our representatives of the acceptance of the above formula. On the other hand, Mr Gumede kept on asking for extensions of time to get a mandate from his organisation. In the end he admitted that he was simply unable to get such a mandate.

At the beginning of 1987 after having returned from a trip overseas, Mr Gumede called for a meeting with Inkatha to discuss the aforesaid formula. This meeting was held under the chairmanship of Rev. Athol Jennings of the Methodist Church. Both Mr Gumede and the Inkatha representatives accepted the above formula. Each delegation was then given a week to get confirmation from its particular organisation. Inkatha through me immediately notified our representatives of the acceptance of the above formula. On the other hand, Mr Gumede kept on asking for extensions of time to get a mandate from his organisation. In the end he admitted that he was simply unable to get such a mandate.

Thereafter, a number of attempts were made between Mr Gumede and Inkatha to resolve outbreaks of violence when they occurred on a regional basis, but these attempts failed primarily because of little or no support from the UDF leadership. For similar reasons it has not been possible to end the violence in the Pietermaritzburg area.

If the UDF leadership would genuinely accept the above formula tomorrow and if the leadership of both organisations went out of their way to make the formula a success, despite all difficulties I believe the violence between the parties could be ended overnight . . .

First Respondent (Inkatha) and I believe that any lawful organisation has the full democratic right to advocate its opinions and to seek the necessary support anywhere in South Africa and therefore such organisations have the right to campaign and organise in KwaZulu. It is when any organisation abuses that right and places the lives and property of the public in danger to achieve their aims and objectives that the people have the lawful right to oppose their actions. These people have the right to choose their own leaders and affiliations without hinderence or coercion of any kind. No organisation has the right to demand of non-supporters absolute conformity to its views. No organisation can claim to be the "sole and authentic" voice of the people.

The violence in Natal began when JORAC (Joint Rent Action Committee) a pro-ANC organisation in Lamontville, decided in 1983 to make the Township of Lamontville "a no-go area" for First Respondent (Inkatha) and its leaders including me. Followers of JORAC in 1983 disrupted a meeting of residents of Lamontville convened by the Town Council to discuss whether or not the residents were in favour of incorporation into KwaZulu. The youth gang stoned the speakers and the audience and burnt seven cars that were parked outside the meeting place. They also burnt down the house of a Counsellor, Mr L. Makathini, a Counsellor and a brother of Mr Johnny Makathini — a leading member of the ANC (EM). An attempt to burn down another house of Mrs Ella Nxasana failed . . .

In 1986 and 1987 and even this year, UDF elements have resorted to violence to achieve control of certain townships among them Kwamakutha and Mpumulanga and within Pietermaritzburg area. Apart from trouble in the aforementioned areas it is particularly in the Pietermaritzburg area that violence has been the most intense.

Thus to sum up: Since the ANC (EM) broke off relations with me in 1980 they and their surrogates have used every opportunity by violent means to attempt to discredit the First Respondent (Inkatha) and me, and I have been threatened by the ANC (EM) with assassination.

Finally, I wish to deal with the allegations of the so-called Inkatha "Recruitment drives" which are supposed to be key factors in the conflict. Any leader of any organisation would be a fool to seek support by force. I unequivocally denounce any such alleged behaviour. To describe this as being a "key factor" is typical pro-UDF propaganda.

If the UDF leadership would genuinely accept the above formula tomorrow and if the leadership of both organisations went out of their way to make the formula a success, despite all difficulties I believe the violence between the parties could be ended overnight . . .

Finally, I wish to deal with the allegations of the so-called Inkatha "Recruitment drives" which are supposed to be key factors in the conflict. Any leader of any organisation would be a fool to seek support by force.

The applicants make allegations against various Chiefs in their papers. I point out that there is no nexus whatsoever between those Chiefs and myself as President of Inkatha or between them and Inkatha as an organisation. If they are members of Inkatha, then that is incidental in my submission. I am unable to control the manner in which they act in their capacity as Chiefs. To criticize me, Inkatha or the other Officials of Inkatha for the alleged unlawful acts of such Chiefs is unjustified . . .

believe I am correct in suspecting that my joinder in these proceedings is an attempt by the applicants to force this Court to take an action which is politically advantageous to my political opponents.

I pledge all my influence to endeavour to bring about peace. I have associated myself with the Church, with academics and Natal's other leaders in this task. I also believe that wrongdoers should NOT go unpunished and if it is permissible for me to do so I respectfully associate myself with the appeal by my Lord presiding that all crimes committed in the Pietermaritzburg area be investigated by the police as a matter of urgency and wrongdoers be brought to justice.

If however this Court is persuaded that it ought to act on an organisational level, then I respectfully submit that all the protagonists including the UDF should be directed to join in these proceedings and thereafter appropriate reciprocal orders be issued.



MANGOSUTHU GATSHA BUTHELEZI

As I have indicated in this affidavit both I and Inkatha abhor violence and long for peace. We would do everything in our power to achieve a peaceful resolution of the disputes in Pietermaritzburg. The cause of the violence does not rest at the door of Inkatha but I submit from the facts set out above lies fairly and squarely at the door of the UDF and to a certain extent with the second applicant since many of its leading members are also members of the UDF.

An analysis of the applicants' case reveals such a tenuous link between me personally and the alleged incidents that I

Criminal threat to peace moves in troubled townships

By Quraish Patel

PEACE meetings to halt Natal's violence could collapse if criminals, who are making huge profits by parading under the badges of rival political organisations, succeed in undermining them.

Described as a "third force" by the national chairman of the Inkatha Youth Brigade, Musa Zondi, township thugs have been identified as fanning minor incidents into community conflicts.

A peace meeting at Umbumbulu today is expected to end the uncertainty facing more than 500 people who fled from their homes after the death of four people shattered their tranquil lives. Chief Doda Cele, backed by a heavy police presence, will preside at the meeting to which all factions have been invited.

In Mpumalanga, plans for another meeting organised by the mayor, Rodger Sishi, may bring peace to the troubled area where 42 people have been killed and 67 injured since last month.

Mr Zondi said criminals, moving from one township to another, often claimed to be members of Inkatha or the United Democratic Front, depending on the circumstances, and fuelled conflict.

Land squabbles, domestic quarrels, lovers' fights and even gang warfare were being incorporated under the "convenient" Inkatha/UDF tussle in several areas.

"A third force, the criminals who further their own ends, profits by this violence. These criminals, parading under the banners of political organisations, are often involved in looting and then burning down houses," Mr Zondi said.

In a report released this week, researchers said the reasons for the violence were complex.

"To state that this is simply a war between Inkatha and UDF is to avoid looking for the reasons underlying this war," said the researchers in a pilot study done by the Career Information Centre and the Education Projects Unit for the Matric Outreach Programme.

The aim of the study was to gauge the extent and nature of the problems of black pupils who were unable to obtain admission to schools this year.

"It should be noted there are a number of factors and actors involved in creating and maintaining this township violence. Often what we hear of as an Inkatha/UDF clash is a complex struggle," the researchers said.