

# Classion Call

SPECIAL EDITION

**PIETERMARITZBURG  
PEACE PLAN**

NP 65729

**And now  
will the  
agony end?**

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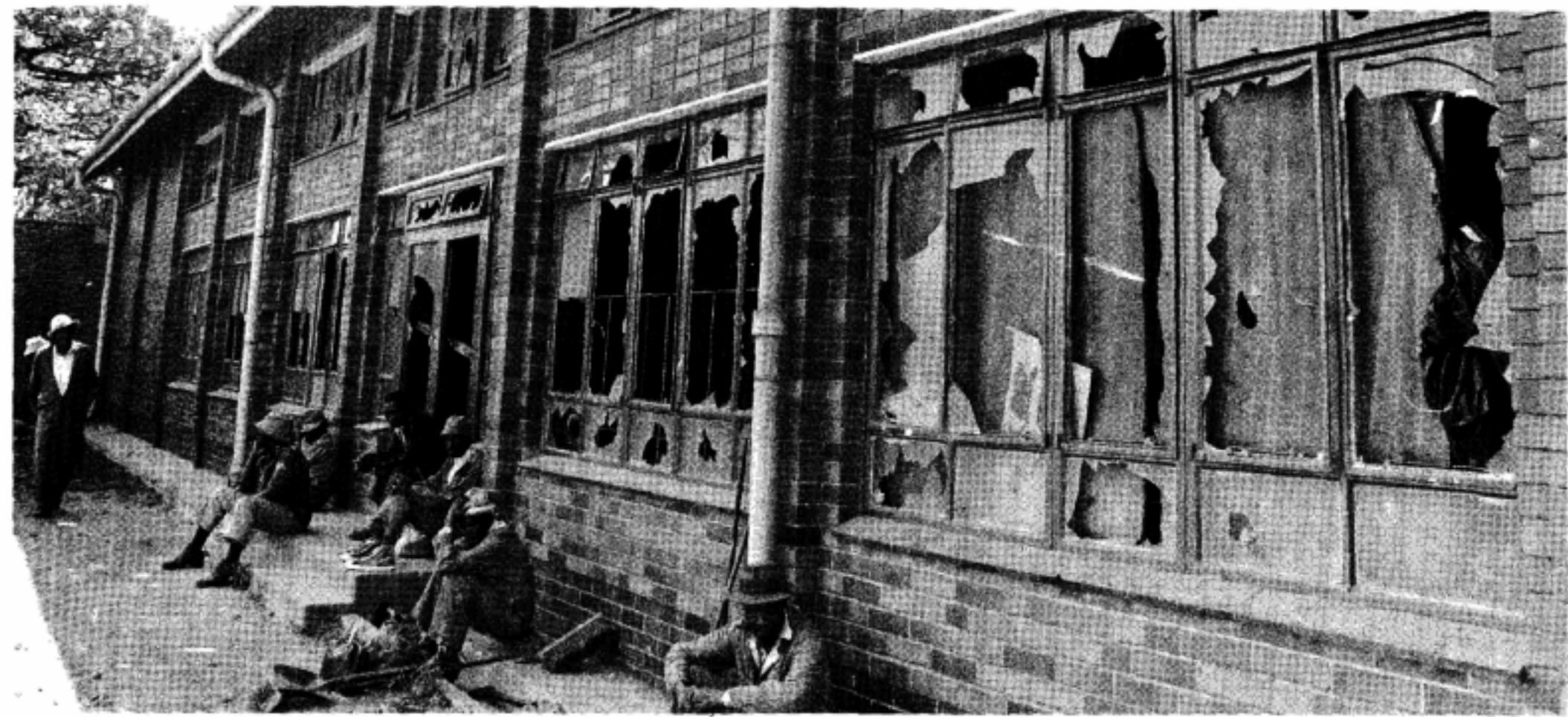
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# EDITORIAL



**T**he appalling violence which has, to date, claimed more than 1 000 lives in black areas in and around the Pietermaritzburg area of Natal tragically continues.

Although the violence has correctly been ascribed to a variety of factors (including apartheid and criminality) which will be dealt with elsewhere in this document, the basic perception is that the so-called "battle" is between followers of the United Democratic Front (now restricted), the Congress of South African Trade Unions and its affiliates and the national cultural liberation movement, Inkatha.

In a joint legal declaration adopted recently by COSATU and Inkatha, each acknowledged and regretted the violence and committed themselves to conveying to their members that they categorically condemned acts of intimidation, forced recruitment and violence.

Furthermore, in a sincere attempt to bring about peace, they agreed, at their own cost, to establish a Complaints Adjudication Board (consisting of independent chairmen who are public figures and assessors nominated by both COSATU and Inkatha) to hear and determine complaints of Pietermaritzburg residents.

This Board will recommend what steps should be taken by COSATU and Inkatha against any of their respective members who may act, or who may have acted, contrary to the dictates of both organisations.

Clearly, both want an end to the carnage.

This issue of Clarion Call is therefore an effort by Inkatha and the KwaZulu Government to distribute as widely as possible the full text of the peace initiative by COSATU and Inkatha so that the Board will be afforded the fullest co-operation by all concerned.

Furthermore, as the violence has been escalating for several years, it has been accompanied by a plethora of national and international Press coverage which, in many instances, has fallen extremely short

of revealing unbiased and in-depth analyses of the factors inherent to the overall situation.

Various individuals and organisations (outside COSATU and Inkatha) have become involved and huge sums of money have been expended for legal and other costs in attempts to "expose" the protagonists and apportion blame one way or the other. This, in many instances, has only exacerbated tensions and however well-meaning many have been, they have wittingly or unwittingly prolonged the agony of the people of Pietermaritzburg.

COSATU and Inkatha have declared that they want this to stop.

The fact is that political games have been and are being played with people's lives in Pietermaritzburg — and elsewhere throughout South Africa — and it is time they were exposed.

Clarion Call will briefly outline *some* of the factors believed to be central to violence in Natal/KwaZulu in particular and in other areas nationwide.

It is emphasised that these briefings are produced as general background material in an attempt to give the issue a clearer perspective as newspaper and other reports have, for the most part, been woefully lacking in objectivity and insight.

The Editor takes responsibility for the contents which have been collated from a variety of sources and some viewpoints given prominence — apart from unreserved support for the peace initiatives — may not necessarily reflect the views of Inkatha or the KwaZulu Government or be aims and objectives supported in any way whatsoever by them or by COSATU.

In so doing it is our intention to show the inordinate complexities involved, and not always apparent, in an effort, once and for all, to quash the simplistic "good guys" and "bad guys" approach that has to date been the hallmark of much of the debate and coverage regarding Pietermaritzburg.

# POLITICAL VIOLENCE

## *The carnage in Pietermaritzburg*

**V**iolence and, in particular, black-on-black violence has been the scourge of South African townships for many years.

The trouble spots have shifted in emphasis and intensity from place to place — Soweto, Alexandra, East London, Port Elizabeth, Cape Town and elsewhere — and now the focus is on Pietermaritzburg.

Although media coverage of the overall violence has tended to stress the political nature of the conflicts, there is now no doubt that socio-economic and other factors are also major determinants which *must* be taken into account when examining the issue.

It is simply fallacious to attempt to “fix” the total blame on specific individuals and organisations (for instance Inkatha, the UDF, COSATU and others) although, as far as the External Mission of the ANC is concerned, a definite decision has been taken and articulated by them to foment violence in Natal/KwaZulu and elsewhere throughout South Africa.

In Natal their supporters are urged, in Radio Freedom broadcasts and other publications, to create a situation of “ungovernability” and to “destroy” the Chief Minister of KwaZulu and President of Inkatha, Dr Mangosuthu Buthelezi, his KwaZulu/Inkatha power-base and other so-called “enemies” including town councillors. Armed insurgents are sent into South Africa from across the country’s borders for this purpose.

### **TARGETS OF “UNGOVERNABILITY”**

“... We must work to win over his (Dr Mangosuthu Buthelezi’s) supporters to deprive him of his social base . . . Clearly the bantustans should also be the targets of our Movement’s efforts to render South Africa ungovernable . . . As part of our underground we must ensure that the ANC core groups are organised and active in all the mass democratic organisations . . . We support the campaigns of the UDF around which mobilisation both on regional and national levels is planned . . . We (recommend) we establish ANC collectives within affiliates as well as the leadership. These would not act as factions but as organised sections of our movement fighting for the strengthening of and consolidation of the UDF . . .”

— AFRICAN NATIONAL CONGRESS NATIONAL CONSULTATIVE CONFERENCE, JUNE 1985. *Commission on Cadre Policy, Political and Ideological Work. Internal Commission Report. Commission on Strategy and Tactics.*

### **“DESTROY” THE ENEMY**

“Those collaborators who are serving in the community councils must be dealt with. Informers, policemen, special branch police and army personnel living and working amongst our people must be eliminated. The puppets in the tricameral parliament and the Bantustans must be destroyed.”

RADIO FREEDOM,  
ADDIS ABABA, May 6,  
1985. ANC National  
Executive Committee.

The overall crucial socio-economic and other accompanying political factors regarding violence are accepted by numerous sociologists and other academics of varying political persuasions who have examined the issue.

(It has to be noted that in South Africa’s polarised society, some — usually highly publicised — political and other “research” undertaken by certain academics in South Africa is, in many cases, biased towards the political predilections of the authors. It is therefore worthwhile commenting that researchers known to support, for instance, the UDF or Inkatha agree that the violence in Pietermaritzburg has a multiplicity of contributing factors.)

*Continued on page 6*



## **“LIBERATORY INTOLERANCE”**

The phrase “liberatory intolerance” was used by the ANC at Dakar in July 1987 when they met a delegation led by Dr F Van Zyl Slabbert of the Institute for a Democratic Alternative for South Africa (IDASA).

The ANC explained that when they “took power” in South Africa they would *not* accord any safeguards to minorities but would safeguard individual rights under a majority government. As the leaders of the liberation movements they would *not* tolerate any political rights for “reactionaries and racists”.

This outlook was summarized in their slogan of “liberatory intolerance”. The ANC would decide who was “racist” or a “reactionary”.

In an article in the Sunday Star (August 2, 1987), Dr Andre du Pisani, director of research at the South African Institute of International Affairs, reported on various views expressed at the Dakar meeting with the ANC which he also attended.

Professor Lawrence Schlemmer, of the

University of the Witwatersrand, had argued the case for “unity within diversity” and hinted at a system capable of balancing a variety of power centres.

“In response to Professor Schlemmer’s pleas for ‘open pluralism’, the ANC argued the case for a more restricted form of pluralism, based on the principle of ‘liberatory intolerance’.

“This implies that, in the name of ‘true liberation’, certain ‘reactionary’ and ‘racist’ forces will not be allowed to operate politically . . .”

At the ANC’s Kwabe conference the following organisations were declared “reactionary”: Inkatha, the PAC, the Black Consciousness Movement, the Unity Movement and the Workerists.

It therefore appears that any organisation or its members or its supporters in the liberation struggle that have opposed the ANC will be classified as “reactionary” or “racist”.

# **“What we need is a culture of tolerance”**

“Undisciplined behaviour by members of the United Democratic Front and COSATU would not be tolerated and perpetrators would be punished, about 10 000 of the organisations’ supporters were told at a peace rally held in Edendale.

“Mr A S Chetty, chairman of the Midlands branch of the UDF, said supporters at the rally were warned that disciplinary action would be taken against any members who participated in violence or acted in an undisciplined manner — such as, for example, attempting to force other township members to join their organisation . . .”  
*The Natal Mercury*

“Dr Mangosuthu Buthelezi warned Inkatha members at the weekend that it could be suicidal for black politics if they took the law into their own hands ‘to mete out instant justice as they see it’.

The KwaZulu Chief Minister and Inkatha president said: “Inkatha’s unity is sacred to the nation. Let none destroy it. It has mechanisms for peace and structures for handling conflict which must be employed . . .”

“I have seen signs of fracticidal developments in some of your local conflicts. As your elected leader, all I can do is hang my head in shame, for these developments will be suicidal if we allow them to increase within the black body politic.”

*The Natal Mercury*

## **“CERTAIN CURRENTS REPRESENT THEMSELVES AS THE SOLE REPRESENTATIVES OF THE PEOPLE AND THEY WANT TO MONOPOLISE POWER . . .”**

“The violence in the community is related to an absence of a democratic ethos and a lack of political education and understanding of the social dynamics of this country.

“Certain currents in the movement as a whole have taken it upon themselves to represent themselves as the sole representatives of the people and they want to monopolise power.

“It is laughable and reprehensible that a part of the movement which calls itself ‘democratic’, systematically denies these rights of democracy, such as the right to present different political points of view.

“If you believe in absurdities, such as intolerance, you end up committing atrocities.

“The totalitarian mind is intolerant of other people’s viewpoints.

“At the University of the Western Cape in 1986, the SRC took an absurd decision not to entertain political activity from any group other than the one they had committed themselves to.

“The result was violence.

“This kind of thing repeated itself on a number of other campuses.

“We have to create a culture of liberation in which tolerance is encouraged. We have to develop a culture of tolerance of other people’s songs, slogans, symbols and ideologies . . .”

“Political organisations will have to play the main role in creating this democratic ethos to prevent more political violence.”

— DR NEVILLE ALEXANDER, Cape educationist and social scientist, speaking at a seminar on violence in Durban in October. *Sowetan*, October 20, 1988.

*Continued from page 4*

If one looks at South Africa as a whole — and taking into account the national State of Emergency regulations — the levels of violence being experienced are unprecedented.

In Cape Town, for example, both in the “coloured” and black townships, the violence among the rival gangs such as the Ntsaras, the Adderleys, the Young Americans and the Bad Boys has extremely detrimental effects on the life of the communities.

Soweto is internationally

accepted as one of the most violent cities in the world with murders, burglaries, rapes and other assaults a daily occurrence. In the Eastern Cape gangsters, “kangaroo courts” and tension between various political groups torment residents.

And in Pietermaritzburg the killing continues, in spite of the recent COSATU/Inkatha settlement which is still in the process of being put into action. To date more than 1 000 lives have been lost.

A researcher at the University of

*Continued on page 9*

"I have to take into account that there are activists (in the UDF) who are radical and influential, very influential . . .

"Recently I met with youths in one of the townships. We were talking about this very violence. I found there were rife arguments about splitting the UDF.

"When I pointed out that the attacks were in the black community, that no people in white townships were victims,

and that therefore we had to look for the answer in the black townships, I was told I am a racist.

"Some agreed with that accusation, others didn't. I found people at leadership level in that group very much more inclined towards, should I say, coercing others to comply with their requests and understanding . . .

"Well, the expression I heard used was that he (somebody who did not

know about or did not comply with a call for a work stayaway) must be steamrollered and run over. That is talk that is somewhat popular with some people who feel they are in a position to coerce people into doing what they want done."

**MR ARCHIE GUMEDE, CO-PRESIDENT OF THE UNITED DEMOCRATIC FRONT.** Interview, *Leadership magazine, Volume Six, 1987*



". . . No matter our differences, then and now, I stress the urgency of the (Pietermaritzburg) situation . . .

"When I wrote to you (previously) about black unity, I meant it. I made it clear that I was not advancing "elaborate suggestions" (as I put it) about how best we can achieve this. I was asking you and the UDF to think about our joint responsibility to this country and, specifically, our duty to positively reach out to our brothers and sisters who have

suffered so much for so long . . .

"Men, women and children are being butchered. Apartheid continues to kick us in the guts. And yet, we are pathetically shouting at each other from public platforms. It shames me. It shames us both . . .

"In some way, however tentatively, is it not possible for us to stand back, pause, and think positively as to how we can motivate the considerable constituencies around us into action for the

common good. Can we not agree to disagree?

"Both nationally and internationally we are seen as foes whose supporters are engaged in a "fight to the death". Did we personally author this so-called "battle"?

What is happening around us both sickens and disgusts me."

**DR MANGOSUTHU BUTHELEZI — LETTER TO UDF CO-PRESIDENT, MR ARCHIE GUMEDE, February 1988**

MP tells of roaming bands of homeless youngsters

# Natal's child bush gangs shock



Mr Pierre Cronjé

DAILY 3-10-88

**Martin Challenor**  
Political Reporter

POLITICAL violence has created bands of children "a couple of thousand" strong who roam from one trouble spot to another between Durban and Howick and run protection rackets, Mr Pierre Cronjé, National Democratic Party MP for Greytown, said at the weekend.

Mr Cronjé spoke to a report-back meeting of the Thousand Hills Partnership in Waterfall about the children, whom he likened to pirate gangs and flocks of birds.

The Thousand Hills Partnership is an organisation set up to help refugees from the fighting in the Umgeni River Valley area.

## Protection rackets

"We have a couple of thousand displaced children who live in the bush and get chased from

place to another," he said. "They are answerable to nobody except themselves."

They used bogus ruses to collect money and also ran protection rackets with security guards, collecting money from them on pay days.

About 600 of the children moved into Molweni, armed with axes and pangas to protect people from local chiefs who had threatened to evict residents who they felt did not belong in the area.

Mr Cronjé said the bands were created when political organisations began forced recruitment drives. Parents threw them out of their homes when the fa

## The Daily News, Durban, October 3, 1988

**P**olitical violence has created bands of children "a couple of thousand" strong who roam from one trouble spot to another between Durban and Howick and run protection rackets.

The above was a headline story in the Durban Daily News of October 3, quoting Mr Pierre Cronjé, National Democratic Party Member of Parliament for Greytown.

Mr Cronjé, was speaking to a report-back meeting of the Thousand Hills Partnership in Waterfall about

the children, whom he likened to pirate gangs and flocks of birds.

The Thousand Hills Partnership is an organisation set up to help refugees from the fighting in the Umgeni River Valley area.

Mr Cronjé said: "We have a couple of thousand displaced children who simply live in the bush and get chased from one place to the other. They are answerable to nobody except themselves."

They used bogus ruses to collect money and also ran protection rackets with security guards, collecting money from them on pay days.

Mr Cronjé said many of the

children had been "thrown out of their homes" by their parents when the families became targets for political violence.

He added that peace initiatives between COSATU and Inkatha could not deal with the problems as they were not under the organisational discipline of any movement.

"What needs to be done is to bring some security into their lives, some place such as a school or recreation centre, rather than a rehabilitation centre"

At the report-back meeting, five black women asked for protection for themselves and 21 others.

## Living conditions in Pietermaritzburg

**T**he 350 000 to 500 000 inhabitants are workers, middle-class people, unemployed, housewives and retired persons. Many are the victims of forced removals.

Investigations suggest that there is on average one breadwinner for every 15 people and that these people earn on average R150 to R200 per month. It is estimated that 70 percent of people in the Pietermaritzburg townships are living below the breadline.

The locations are situated far away from the main town centre, isolated from bus routes and most remain

completely undeveloped with untarred roads, few or no street lights, no drainage, poor service of bucket latrines, few water taps and water supply shortage.

Electricity is scarce and too expensive to afford. The increase in rents has created more problems.

An average of 11 people occupy each house, almost all houses being one or two-roomed.

Most of the houses are of poor quality and very few have electricity. In many areas people use communal taps and latrines.

Health services are inadequate, education is of a poor standard and

there are few, if any, recreational facilities.

The poor living conditions worsened after the floods and damage was estimated at between R5-million and R10-million. Hundreds, possibly thousands, of huts were destroyed in the area.

Unemployment is as endemic in the township as is violence.

The economically depressed state of the area offers little or no opportunities for regular work.

Large numbers of residents are totally dependent on handouts and relief supplied by Christian agencies and other organisations.



# NATIONWIDE INTIMIDATION

Continued from page 6

Natal in Pietermaritzburg, Wendy Leeb, was quoted by the Sunday Tribune (October 16, 1988) as reporting that the violence has begun escalating in the city centre of Pietermaritzburg as people move from trouble spots in the townships.

An estimated 20 000 refugees have fled their homes in the townships to escape the killing.

"The violence has been occurring mainly at black gathering points like bus depots," she told the Sunday Tribune.

"They are mostly revenge murders for violence committed in the townships."

In this article and elsewhere in Clarion Call, the violence in Pietermaritzburg and in other parts of the country is examined with emphasis on research conducted in the areas concerned.

## Criminal elements

**T**ownship residents belonging to both the UDF and Inkatha indicated in interviews that many deaths which were *supposedly* politically motivated, were nothing more than "revenge killings".

The research noted that one of the "most crucial" elements was the role of the criminals in the townships concerned.

The "comrades" (who use this term about themselves) were "on the rampage" in the Pietermaritzburg townships.

They operated in gangs or packs of between 15 and 25 members.

They killed political persons indiscriminately but also indulged in murdering ordinary people in the townships so that rival organisations would be blamed for the killings.

The researchers reported that various "political murders" committed by criminal elements were carefully planned and that activists

of varying political persuasions were killed because it was believed that the murders would destroy any seeds of alliances between various organisations.

In other words, the criminal element had taken strong advantage of the UDF/Inkatha political/ideological conflict.

Political killings were only one aspect of their activity. The

"comrades" rampaged in the townships. They controlled the drug and sections of the drinking traffic and many taxis.

The survey stressed the following:

**"Unless both organisations (the UDF and Inkatha) join the struggle towards the complete elimination of the activities of the thugs, there is no chance for real peace in the townships."**

## "Terror acts" increasing

There has been a dramatic upswing in the number of "acts of terror" in the past three months, Brigadier Herman Stadler, chief of intelligence with the Security Branch of the SAP, said in the College Road Supreme Court in Pietermaritzburg in October.

According to statistics produced in court by Brigadier Stadler, there had been 31 "acts of terror" in July, 19 in August and 46 in September.

Brigadier Stadler was giving evidence at the trial of five men charged with fourteen counts relating to terrorism, taking part in ANC activities, illegal possession of machine guns or rifles, ammunition, grenades and bombs and possessing unlawful publications.

He said the total number of attacks stood at 184 at the end of September. October's total (so far) was 32 bringing the total to 216.

In his evidence to the Supreme Court, Brigadier Stadler gave the following breakdown of attacks as at the end of September; 62 were aimed at civilians, 44 at the police, 12 at the military, three at the judiciary and 37 against "the system", a catch-all phrase embracing anyone or anything associated with the government. Four attacks were termed "miscellaneous".

The Minister of Law and Order, Mr Adriaan Vlok, said in October: "The total number of terror attacks this year is more than 200, half of which have already been solved. In some areas the success rate in solving terror attacks is as high as 90 percent."

The Star reported that the latest wave of attacks was preceded by a statement from Mr Chris Hani, deputy commander of the ANC's military wing, Umkhonto we Sizwe, justifying attacks on white civilians as the beneficiaries of apartheid. He was later repudiated by the ANC.

"Since then, however, there have been attacks in which civilians have died and in which it has not been easy to identify a "strategic" target, indicating that ANC leaders either are not in full control of their men or that the repudiation of naked terrorism is a cynical public relations exercise," said reporter Patrick Laurence.

*South African Press Association, October 19, 1988 The Star, Johannesburg, October 26, 1988*

# Youth, unemployment and frustration

**I**n independent research conducted into the nature and causes of the violence around Pietermaritzburg, intense frustration was noted in 68 percent of the youth sample. They felt circumstances blocked them from prospects of a better future.

It was these young people who found themselves generated towards group formations from where aggressive expression and violent intent were inevitable.

**Only 12 percent of the total research sample identified the UDF/Inkatha conflict as a vital component of the continuing violence.**

**When the researchers questioned youth who were directly involved in the violence, 95 per cent of the activists — despite using the names Inkatha and UDF — had no political or ideological understanding of these movements.**

They had no formal or even informal connection with them and quite often did not recognise the names of the leaders of the political movements they claimed to belong to.

Yunus Carrim, a sociologist and Natal Indian Congress (a UDF affiliate) executive member, has noted the following:

**“People (in Pietermaritzburg) simply do not have the basic material**

**conditions to live humanely and in their frustration and outrage they hit out at each other instead of the system, which is more difficult to attack”.**

This statement corroborates evidence gathered in the survey when the researchers were repeatedly told:

**The chief cause of the violence is unemployment and frustration . . . ”**

About 80 percent of the unemployed are under 35 years of age, 46 percent less than 25 years old and 15 percent under 20 years of age.

Of men interviewed in the study, 85 percent had been out of work for more than six months, eight percent for more than two months and the rest were partially employed.



## Psychological stress

**N**umerous research has proved with any doubt that the loss of a job leads to anxiety and severe psychological stress, which are effects of economic instability and poverty.

The majority of people interviewed in Pietermaritzburg expressed themselves in terms of self-inadequacy and depression.

Researchers witnessed several important effects of the unemployment issue among the residents. There were signs of serious disorientation and confusion

regarding the future. There was a direct relationship between joblessness and the violence and a great many people in the community were shocked at both their personal and the collective experiences of violence.

High anxiety and distress characterised many people interviewed because money was scarce and attempts at job-seeking had proved fruitless.

The researchers noted: “At this stage anxiety and distress can easily be transformed into aggression and militancy of all sorts.”

There were “significant factors” leading to the correlation and connection between unemployment and conflict/violence.

The UDF/Inkatha conflict was not rated highly among those interviewed. Only 12 percent of the people regarded this political issue as a vital part of the violent situation in their areas.

The words more often used were not “Inkatha”, “UDF”, “Buthelezi” or “Gumede”, but “thugs”, “poverty”, “sickness”, “starving”, “no jobs”, “no prospects of work” and “crime”.

# INTERACTING FACTORS IN SOUTH AFRICA'S URBAN CRISIS

***"Any community or society requires established authority figures to propagate norms of behaviour and to promote social order. Of particular relevance, then, is the failure or refusal of local level leadership in the townships in some parts of the country to establish norms of orderly political behaviour . . . In (some areas) the formal community leadership has all but collapsed in a concerted campaign to make townships ungovernable . . ."***

*Professor Lawrence Schlemmer, sociologist, University of the Witwatersrand.*

***The variables which shape African townships as social "pressure cookers" prone to simmering instability belong in a matrix of interacting factors, according to social scientist, Prof. Lawrence Schlemmer, of the University of the Witwatersrand. He notes that research conducted for Indicator SA strongly suggests that various "patterns" of unrest "lend credence to the view that there is a fairly concerted and well supported campaign in the townships to create a situation of turmoil and ungovernability."***

***In several areas "the established formal community leadership has all but collapsed under the impact of the campaign." The following is an extract of a paper published in Indicator SA by Professor Schlemmer on "South Africa's Urban Crisis."***

**A**ny political movement or pattern of political unrest must be analysed at two levels. "One level is that of the manifest goals and objectives among leading participants. "Another level is that of the

conditions, frustrations and motivations existing among the rank and file members of communities which create the propensity for unrest or the inclination to participate in the pattern of behaviour prescribed by the leading figures . . .

"In trying to understand unrest one has to consider a complexity of interacting factors — a matrix of

conditions. This analysis will not attempt to assess the weight of all the variables, but they can be listed for the sake of illustration:

- . . . Youth and young adult unemployment.
- . . . Bitterness about the failure to reach desired educational levels in a school system with critically high failure rates.
- . . . The economic recession and inflation leading to severe restrictions on spending money.
- . . . Irritants of rental and busfare increases.
- . . . Mobilisation by activists in political movements, more focussed than but nominally under the umbrella of the UDF and perhaps the National Forum.
- . . . Feelings among Africans of being relatively more deprived than before due to the introduction of parliamentary rights for coloureds and Indians.
- . . . The stress of overcrowding in township housing.
- . . . The opportunities which unrest offers for more mundane anti-social behaviour like looting, vandalism and displays of public aggression.
- . . . Corruption and/or ineffectiveness in township local leadership creating popular resentment.

# THE NEED FOR SOLUTIONS

“**S**ince 1976, the amorphous nature of black protest has resulted in it being generically tagged as “unrest” by the media and political commentators alike. The hidden implication of this catch-all description is that these traumatic cycles of violence and counter-violence simply form part of the larger, age-old political dilemma that plagues South Africa.

“The fact that neither the paths of reform nor repression seem to hold out current prospects of a return to social stability have invited comparison to other unstable and dangerously divided societies in the throes of protracted low-level urban violence, such as Northern Ireland and Lebanon.

“Ever since the political upheaval of 1976/77, the state’s security forces have for the most part managed to contain the several cycles of devastating riots within African residential areas, where most of the damage to property has consequently been wreaked.

“The most vivid expressions of black protest have thus been removed from the eye of many white commentators,

who often tend to view these developments from an abstract distance as symptoms of a general malaise.

“From these theoretical perspectives, the civil unrest is deemed to be indicative of alternately, South Africa’s industrial revolution and modernisation process; the “violent evolution” of reform; the group tensions of a plural, racially structured society; black perceptions of relative deprivation; or lastly, of class struggle within a capitalist crisis made of historic, economic contradictions.

“These models provide a useful historical overview, but their simultaneous limitations stem from a complacent acceptance of massive violence as an inevitable social phenomenon in a time of transition.

“Unfortunately, these macro-theories concentrate on structural causes and pay little attention to the need for an urgent, practical problem-solving exercise by government and its opponents, in terms of reconciling political and socio-economic demands across a vast ideological spectrum and ending the tragic violence . . .”

*Researcher Graham Howe, Indicator SA, Vol 3 No 1, 1985*

. . . The absence of a respected and legitimate local leadership in the townships to assist in inculcating respect for authority.

. . . Counter-reaction by police units too thinly spread and sporadically present to deter and calm rioters down by strength of numbers.

. . . Absence of internal law enforcement agencies in the townships which can immediately recognise individuals and distinguish between leaders and followers, hence discouraging activism.

. . . Boredom-stress . . . leading to acts of aggression done for kicks . . .

. . . Encapsulation: populations or groups, forced closely together by residential circumstances, tend to have a higher propensity to collective dissidence and protest than groups which are intermingled with others in heterogeneous circumstances . . .

. . . Urban reforms and promises of reforms by the authorities which have raised expectations without providing definite information on

results and outcomes. Universally, reform has tended to operate as an accelerator of unrest and violence in societies with a high degree of relative deprivation among substantial parts of the populations . . . Urbanising populations are not necessarily inclined to unrest or violence, but the *pressure* of urbanisation can tend to incline others in urban communities to turmoil or violence. This has been a finding in regard to American urban riots and is also indicated by findings elsewhere . . .”

## FATAL FACTIONALISM

“. . . In short, a lumpenproletariat, the unemployed and unemployable, seem now to be the driving force behind the unrest . . .

“The major new feature (of the unrest) has undoubtedly been the fatal display of intra-opposition factionalism.

“Pre-existing tensions between the multi-racial

United Democratic Front (UDF) and the black consciousness-orientated Azanian People’s Organisation (AZAPO) . . . broke out into open war in the Eastern Cape in April, leaving at least four activists dead and 21 injured (mostly AZAPO members) and 35 houses damaged (Star 19/5/85) . . .”

*Indicator SA, Vol 3 No 1, 1985*

# Hunger, disease, strikes, boycotts, sanctions, unemployment . . . and violence

The effects of apartheid and the country's economic decline are graphically portrayed in the South African Institute of Race Relations Survey for 1987/1988.

The survey notes that South Africa's economic problems continue to be exacerbated by expenditure on segregated structures and by the Government's failure to meet black political demands.

It reports that hunger has become a more serious problem in urban areas than in rural areas while tuberculosis is rising to epidemic proportions, especially in the Western Cape. According to the South African National Tuberculosis Association, the disease kills at least 10 people a day.

The survey also points to socio-economic and political trends which emerge from an examination of politics, the economy, business, the homelands, labour, housing, education, health and welfare.

The following are excerpts of *some* of the findings:

The period 1987/88 saw the highest number of strikes in South African history, as well as unprecedented levels of violence in the labour field.

In spite of Government restrictions in February which limited the Congress of South African Trade Unions (COSATU) to trade union activities only, 1988 saw the biggest worker stay-away in the country's history when at least 1 600 000 workers stayed at home in protest against the Labour Relations Amendment Bill.

The survey recorded 1 148 strikes during 1987 — mining and the railways experiencing the biggest.

Incidents of violence in the labour field recorded in the survey include:

- Virtual destruction of the Johannesburg headquarters of the Congress of South African Trade Unions in a bomb explosion in May, 1987;
- Bombing of Cosatu's offices in the Western Cape in August, 1987.
- Eight railway union members pleaded guilty to the murder of four railways employees who had not joined the strike in April, 1987;
- A union official admitted in court that non-strikers were taken to Cosatu House and beaten;
- Three bus drivers were sentenced to death in Durban for having hired a man to kill a driver who had continued to work during a strike in November, 1986;
- At least 18 people were killed during the mine strike in August, 1987, three of them in clashes involving mine security and 15 in clashes between strikers and non-strikers.

**At least 18 people were killed during the mine strike in August 1987, three of them in clashes involving mine security and 15 in clashes between strikers and non-strikers . . . A union official admitted in court that non-strikers were taken to COSATU House and beaten . . .**

The survey reports an estimate by the Minister of Manpower, Mr Pietie du Plessis, that up to 6 000 000 South Africans could be unemployed by the year 2000, and it notes other estimates that the implementation of economic sanctions against South Africa could see unemployment reach nearly 10 million by the end of the century.

South Africa would have a surplus of more than 9 000 000 unskilled and semi-skilled workers, according to figures from the Institute for Futures Research at Stellenbosch University which are quoted in the survey.

The survey notes that about 5 000 jobs could become redundant over the next three years as a result of Eskom's decision to close or mothball 13 of its power stations. Its expansion programmes had been based on an annual 8% growth rate in demand for electricity, but actual growth is only 4%.

The survey reports Eskom as saying sanctions have slowed down the economy and therefore the demand for energy.

The Government is on record as saying the State is firmly committed to redistribution of income through social investment.

The survey quotes Mr Kent Durr as saying when he was the Deputy Minister of Finance that the Government aimed to use an increasing share of the national budget to meet the 'just claims' of less privileged groups.

He pointed out that the health and welfare budget had risen from 12% to 18% of the national budget over the past 10 years, while education spending had risen from 13% of the total budget to 19%. The largest growth had not been in defence.

President Botha spoke in similar vein when he said in September, 1988, that the Government was committed not only to constitutional development but also to socio-economic upliftment to wipe out backlogs and inequalities in education, health, housing and welfare services in general.

Mr Botha said sanctions and boycotts could cause the Government to have R9,5 billion less available for these programmes over the next five years.

Overall, fewer school boycotts were recorded in 1987 and 1988.

However, the survey notes that there was no effective education in at least 54 Soweto high schools during the year under review.

Some of the reasons for that, according to the Department of Education and Training were:

Lack of motivation and discipline among pupils;

Dilapidated schools;

Demotivation among teachers as a result of assaults.

Parents blamed pupils' lack of discipline but also cited detentions and the presence of security forces, the survey said.

Criticism of school boycotts by the National Council of Trade Unions and the Black Consciousness Movement of Azania are recorded in the survey.

The survey mentions a statement by the Minister of National Education, Mr F W de Klerk, that the Government's 10-year plan for greater parity in education has been stalled by the country's weak economic growth.

**The survey reports an estimate by the Minister of Manpower, Mr Pietie du Plessis, that up to 6 000 000 South Africans could be unemployed by the year 2000 . . . The implementation of economic sanctions against South Africa could see unemployment reach nearly 10 million by the end of the century . . .**

The National Manpower Commission reported an enrolment explosion at all black educational institutions and said the demand for infrastructure was so extensive that special efforts would be necessary to achieve any success at all. But it is still not clear whether the Government will go ahead with plans to levy tuition fees at white Government schools in order to free spending resources for black education.

Among major political trends during 1987/88 was a renewal of Church/State tension following the imposition of restrictions on various organisations on February 24.

The Survey records a statement by Dr Allan Boesak that it is the Church's duty to step into the gap left by bannings. It points to some uneasiness about this within the churches and notes that in an address to a meeting convened by the South African Council of Churches the organisation's president,

Dr Manas Buthelezi, warned against total politicisation of the Church.

Twenty-six church leaders called on all Christians in the country to boycott the municipal elections on October 21, saying they intended to disseminate their appeal through church newsletters and news agencies and by word of mouth.

The survey notes that Pope John Paul II said during a visit to Zimbabwe in September that he opposed election boycotts and that he also rejected violence and spoke in favour of negotiation.

It also points out that the then president-elect of the Methodist Church of Southern Africa, the Rev Stanley Mogoba, has said that he could not subscribe 'to a school of thought that recognised that while violence was a fact at present, its continuation was inevitable'. He rejected the notion of a just or holy war and, in March, also called for negotiation.

*The Institute of Race Relations Survey can be obtained from: SAIRR, Auden House, 68 De Korte Street, Braamfontein, Johannesburg 2001, South Africa.*

# BLACK DISUNITY

## Divisions in the struggle for liberation

***Black disunity is highlighted in numerous addresses made by the Chief Minister of KwaZulu and President of Inkatha, Dr Mangosuthu Buthelezi.***

***In constant appeals for a "multi-strategy approach" to the black struggle for liberation, Dr Buthelezi insists that Inkatha sees itself as a part of the struggle and does not hold the view that any one organisation can claim to be the sole and authentic voice of black liberation. Individuals and organisations should each contribute, as they can, to dismantling apartheid and creating a united and non-racial South Africa with a multi-party democracy.***

***The following is an excerpt from a speech he delivered to the annual general conference of Inkatha in July this year which again emphasises his concern at the divisions within the black body politic.***

**I**t is so tragic that black disunity is now worse than it has ever been before — at a time when white politics is developing its own white political impasse in white society.

Whites are at each other's throats, politically speaking. The Afrikaner Weerstandsbeweging is spreading its vicious message of brutal white racism in ever widening circles in South Africa.

The Conservative Party is confronting the National Party wherever possible.

Inside the National Party there is division and debate to the right and to the left of it.

Opposition parties are evidencing growing discord. Never before has there been such white disunity and never before have there been such deep divisions in white politics.

These divisions should have been tremendously advantageous for the black struggle for liberation

but any benefit that the struggle could have derived from them is lost because of black disunity.

There is black disunity between the ANC and the PAC; there is black disunity between AZAPO and the UDF; there is black disunity between AZAPO and the National forum. There is black disunity in South Africa's church life. There is conflict in black South Africa's trade union life.

At the local level there is disunity between local groups of

comrades and local communities they are trying to batter into submission.

Across the length and breadth of the country the number of Inkatha members who are actually battered violently pale into insignificance against the total number of blacks who suffer violent onslaughts.

Disunity is a terrible thing that is stalking the land to sap black political energy and to strip the struggle of a lot of its power.

When we talk about the need for the ANC to think, pause and then to act in the interests of the struggle and of South Africa, we are looking at a totality in South Africa and we are looking at the disunity which they are causing at the national level.

Everywhere they attempt to extend their influence, they do so by setting black against black in the politics of intimidation in which they rely.

We in Inkatha know that the fundamental problem in black politics can be traced to the fact that the ANC is not struggling to liberate black South Africa. It is struggling to conquer black South Africa, to control it and to direct it. Their priority is not black liberation per se, but it is a return to South Africa as a Government returned from exile.

### What our struggle is all about

‘As far as Inkatha is concerned, the political freedom we struggle for is the freedom within which a multi-party democracy is possible.

We in Inkatha are not struggling to establish ourselves as supreme. We are not struggling to become dictators. We are not struggling to eclipse all other political groupings. We struggle for freedom and we struggle for the kind of freedom in which people are free to disagree with us and to do what they think best. We ourselves demand that freedom and we cannot deny it to anybody else.’

# Spirit of hate against Inkatha

‘From what the ANC is saying in recent times and from the positions they are adopting, it is becoming quite clear that the ANC is not seeking any kind of reconciliation with Inkatha.

It is spurning the hand of friendship being held out to it and as Dr Francis Meli (the Editor of *Sechaba*, the official organ of the ANC) admits, the ANC is out to “destroy” Inkatha.

It is the ANC which is declaring a war unto death. That is so tragic for black South Africa because it so destroys the prospects of real unity.

This spirit of hate against Inkatha has been breathed into the life of the UDF and certain trade unions by the ANC. It is no secret that they are working partners of the ANC. It is no secret that they share platforms with the ANC abroad and it is no secret that the ANC is using the UDF and certain trade unions as weapons against Inkatha.

The divisiveness which the ANC has introduced into black politics in opposing Inkatha is now being multiplied and spread like some dangerously contagious political disease.

We saw the horrible results of this connivance to destroy Inkatha in the Greater Pietermaritzburg area over the last year.’



*Dr Mangosuthu Buthelezi, Chief Minister of KwaZulu and President of Inkatha.*

I REPEAT, ONCE AGAIN, THAT INKATHA'S LEADERSHIP DOES NOT CONTROL OR DIRECT OR HAVE ANY INPUT WHATSOEVER WITH REGARD TO THE ACTIVITIES OF MEN, WOMEN AND YOUTH (IN PIETERMARITZBURG) WHO TAKE IT UPON THEMSELVES TO CHALLENGE THE ACTIVITIES OF THOSE IN THEIR COMMUNITIES WHOM THEY BELIEVE TO BE RESPONSIBLE FOR FOMENTING VIOLENCE OR ANY OTHER ACTIVITY THEY CONSIDER TO BE UNDESIRABLE. WHATEVER THESE PEOPLE DO, WHETHER THEY ARE RANK-AND-FILE INKATHA SUPPORTERS OR NOT, THEY ACT ON THEIR OWN INITIATIVE. INKATHA HAS 1.5 MILLION MEMBERS AND THERE IS NO WAY IN WHICH ITS LEADERSHIP CAN ULTIMATELY CIRCUMSCRIBE THEIR BEHAVIOUR — AS MR ARCHIE GUMEDE CAN NO DOUBT ATTEST TO WITH REGARD TO THE UDF . . . INKATHA DOES NOT SUBSCRIBE TO MOB RULE AND INTIMIDATION . . . WE ARE TOTALLY COMMITTED TO PEACEFUL CHANGE AND NEGOTIATION . . .

*Dr Mangosuthu Buthelezi, extract from a letter to the Sunday Tribune, August, 1988.*

**PHINEAS ZONDO, COSATU AND OTHERS  
(APPLICANTS)  
and  
INKATHA AND OTHERS  
(RESPONDENTS)**

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# THE CASE THAT LED TO THE SETTLEMENT

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**I**n February this year Phineas Zondo, the Congress of South African Trade Unions and others applied to the Natal Supreme Court for an order interdicting Inkatha and others from involvement in alleged acts of violence in the Pietermaritzburg area.

Their affidavits were distributed here and abroad and received national and international publicity with the (at that stage) one-sided allegations causing considerable damage and unfair publicity to Inkatha and certain of its members and supporters. An influential church agency in Germany, for instance, published extracts of the affidavits and commented that the pending Court case would be a "show trial" to prove Inkatha's alleged "guilt".

On the basis of the ZONDO/COSATU and other affidavits, an incorrect and distorted perception was given that only Inkatha and its members were the cause of and responsible for the violence.

This was clearly absurd bearing in mind the number of deaths of Inkatha members and well-documented evidence of adverse socio-economic and political conditions — in

Pietermaritzburg and throughout the country — which are known to be major factors contributing to the conflict.

Inkatha and other respondents opposed the application and set out in replying affidavits their reasons for doing so.

These replying affidavits did not receive the same media coverage as those of ZONDO/COSATU and others.

The matter was then set down for hearing in the Natal Supreme Court for oral evidence.

***Immediately prior to the hearing, settlement discussion were commenced between Phineas Zondo, COSATU and the other applicants and Inkatha. The matter was then settled in September and the necessary documentation signed by representatives of both parties.***

The outcome was the joint declaration adopted by COSATU and Inkatha printed in full on the next page and the agreement to establish a Complaints Adjudication Board (also following) to deal with allegations made by members of the respective organisations against each other.

In his remarks granting leave for the ZONDO/COSATU and others application to be withdrawn, the

Honourable Judge Page commended both parties on their "good sense" in settling the proceedings in this manner.

Judge Page noted: "All of us who have had contact either directly or indirectly with the carnage which has been taking place in the townships of Pietermaritzburg will know that it is a matter of desperate urgency that it should stop.

"It is equally clear, however, that this result will not be achieved by prolonged civil litigation or prosecution alone.

"It can only effectively be halted by the co-operation of the protagonists themselves, and a recognition that the interests of individual organisations should not be permitted to outweigh the common good of all the inhabitants of the townships.

"The settlement which has been concluded . . . provides a basis and creates the machinery for the necessary co-operation. It remains, however, to be seen whether that machinery will in fact be operated in the spirit in which it was created. I can only hope and pray that it will, for it seems to me at least to have the potential effectively to put an end to the chaos and misery which now prevail . . ."



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# AGREEMENT of SETTLEMENT

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## AGREEMENT between the CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU) and INKATHA

It is hereby agreed between COSATU and INKATHA, hereinafter referred to as "the parties", that:

1. The parties agree to settle the interdict proceedings in the matter of **Zondo and Others v Inkatha and Others**, Case no. 372/88 in the Natal Provincial Division, by the application being withdrawn and that each party will pay its own costs.
2. The parties agree to issue a joint declaration affirming their commitment to the following principles:  
That residents of the townships in the greater Pietermaritzburg area be free and unfettered to select which organisation, if any, to belong to and to choose freely and without fear whether or not to participate in any activity, protest or campaign of any organisation.
3. The parties agree that the said Declaration, annexed hereto, marked "A", will be given full publicity by the parties for the purposes of making known to their members the contents of the said Declaration. More specifically, each party undertakes to provide the other with a written acknowledgement of receipt within twenty-eight (28) days

hereof, signed by the Chairman of each and every of the parties'

Pietermaritzburg branches, including youth branches, verifying that the Declaration has been explained to the members of the committee of the said branch.

4. The parties agree to institute, and to formally recognise, a Complaints Adjudication Board, (hereinafter referred to as "the Board") whose structure, function and operation is more fully set out in annexure "B", for the purposes of hearing alleged contraventions of the policies enunciated in the aforesaid Declaration by members of the parties. The Board shall be instituted as soon as possible and shall operate for at least one (1) calendar year from the date of this agreement, whereafter either party may elect to terminate their participation in the Board upon three (3) months' notice to the other party.
5. The parties agree that in view of the establishment of the Board, Court proceedings as specified below,

That residents of the townships in the greater Pietermaritzburg area be free and unfettered to select which organisation, if any, to belong to and to choose freely and without fear whether or not to participate in any activity, protest or campaign of any organisation.

scheduled to commence in the Supreme Court of South Africa, Natal Provincial Division, shall be withdrawn and/or discharged, each party to pay its own costs:

Nothing in this agreement shall be construed as preventing or inhibiting any person from seeking the protection of the Police or the prosecution of any person by the Attorney-General, either in respect of a criminal act occurring in the future or arising out of any past act. Nor shall any individual be precluded from seeking civil redress.

MKHIZE v NTOMBELA Case No. 2887/87  
SILISO v MNCWABE Case No. 3199/87  
ZULU v ZONDI Case No. 3029/87  
ZONDI v ZONDI Case No. 677/88  
HADEBE v ZUMA Case No. 2895/87  
MKHIZE v ZUMA Case No. 2894/87  
MKHIZE v ZUMA Case No. 1119/87

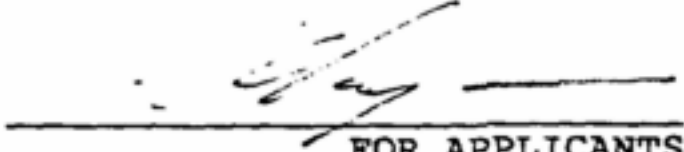
- 5.1 The interim interdicts and applications will be anticipated and discharged or withdrawn on 1 December 1988 or as soon as possible after the Board commences its first hearing, whichever occurs first.
- 5.2 The individuals concerned in the aforesaid applications may refer any complaint to the Board.
- 5.3 Nothing in this agreement shall be

construed as preventing or inhibiting any person from seeking the protection of the Police or the prosecution of any person by the Attorney-General, either in respect of a criminal act occurring in the future or arising out of any past act. Nor shall any individual be precluded from seeking civil redress.

6. The Chairman of the Board shall have the power to make rulings concerning the proper implementation and interpretation of this agreement, either on his own initiative or upon application of either of the parties.
7. Wherever reference is made to a member of COSATU, it is deemed, for purposes of this agreement, to include members of the affiliate unions of COSATU.
8. The provisions of the paragraph captioned "Withdrawal of Financial Assistance" in annexure "B" hereto, are incorporated herein by reference.

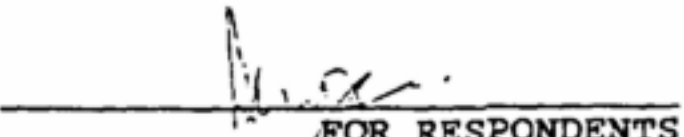
SIGNED AT JOHANNESBURG ON THIS  
1ST DAY OF SEPTEMBER 1988.

  
FOR COSATU

  
FOR APPLICANTS  
IN ZONDO v INKATHA, Case No. 372/88  
Other than Second Applicant  
AND THE APPLICANTS REFERRED  
TO IN PARAGRAPH 5, ABOVE

SIGNED AT PIETERMARITZBURG ON THIS  
2ND DAY OF SEPTEMBER 1988

  
FOR : INKATHA

  
FOR RESPONDENTS  
IN ZONDO v INKATHA, Case No. 372/88  
Other than First Respondent  
AND THE RESPONDENTS REFERRED  
TO IN PARAGRAPH 5, ABOVE

"A"

## JOINT DECLARATION ADOPTED BY CONGRESS OF SOUTH AFRICAN TRADE UNION and INKATHA

COSATU and INKATHA hereby unambiguously reassure the residents of these communities that they strongly condemn the intimidation and attacks upon residents.

1. INKATHA and COSATU acknowledge and regret that there has been extensive violence in the townships of Pietermaritzburg.
  - 1.1 Each party recognises the immediate necessity to make it abundantly clear to its members that COSATU and INKATHA

categorically condemn acts of intimidation, forced recruitment and violence. Each party recognises the right of every community resident to make a free and unfettered choice as to:

- 1.1.1. which political organisation, if any, to belong;

INKATHA and COSATU hereby pledge to take steps to ensure that the rights of these communities will be respected.

That all political organisations have the right to exist and the democratic right to espouse their own particular viewpoint.

That neither party condones the use of violence against any organisation which expresses a policy different from that of its own organisation.

That threats of violence and the refusal to provide public convenience to any resident on the grounds of his membership in any organisation and further, the use of such threats to induce or enforce membership, is condemned.

1.1.2. whether or not to participate in any campaign, protest or activity.

1.2 In January 1988, acts of violence were committed against the residents of the communities of Ashdown, Caluza, Mpumuza and Sweetwaters. COSATU and INKATHA hereby unambiguously reassure the residents of these communities that they strongly condemn the intimidation and attacks upon residents. INKATHA and COSATU hereby pledge to take steps to ensure that the rights of these communities will be respected.

1.3 Both COSATU and INKATHA, in recognising their respective responsibilities, and in order to take effective steps to bring about a lasting peace, have agreed on the following:

1.3.1 That all political organisations have the right to exist and the democratic right to espouse their own particular viewpoint.

1.3.2 That neither party condones the use of violence against any organisation which expresses a policy different from that of its own organisation.

1.3.3 That threats of violence and the refusal to provide public convenience to any resident on the grounds of his membership in any organisation and further, the use of such threats to induce or enforce membership, is condemned.

2. In order to give effect to the foregoing, INKATHA and COSATU have agreed to establish a COMPLAINTS ADJUDICATION BOARD. The Board is to consist of independent chairmen, who are public figures, assisted by assessors, nominated by both COSATU and INKATHA.
3. The authority of the Board will be to hear and determine complaints by residents, and to recommend what steps should be taken by COSATU and INKATHA against any of their respective members who may act, or who may have acted contrary to the foregoing principles.
4. The agreement has been concluded in a spirit of co-operation and with the hope of providing a convenient and speedy forum for the solution of the problems which have beset the townships of Pietermaritzburg.
5. The costs of establishing and operating the Board will be borne equally by INKATHA and COSATU.

“B”

## THE STRUCTURE, FUNCTION AND OPERATION OF THE COMPLAINTS ADJUDICATION BOARD

### PREAMBLE

The parties have agreed to establish a Complaints Adjudication Board (hereinafter referred to as “the Board”), to hear and adjudicate complaints by residents of the Magisterial district of Pietermaritzburg and Vulindlela, including, but not limited to Elandskop, and to make advisory recommendations to COSATU and INKATHA as to what steps should be implemented to discipline any member of their respective organisations who have in the past, or may in the future, transgress the principles set forth herein:

### 1. COMPOSITION OF THE BOARD

#### 1.1 Convenor

The Board shall be comprised of a Convenor, the Honourable Mr Justice R.N. Leon, who shall convene a panel of chairmen.

#### 1.2 Chairman

The Chairman, in principle, shall be a public figure.

A panel of chairmen shall be selected by agreement of both parties from whom the Chairman shall be designated by the Convenor to hear and adjudicate complaints brought by the Board.

#### 1.3 Assessors

To assist the Chairman, each party may designate one assessor who may be a member or supporter of that organisation. The parties may waive their right to appoint an assessor. Notwithstanding this provision, the parties reserve their right to challenge the selection of the assessor and request his recusal on good cause shown. In the event

The Board shall be comprised of a Convenor, the Honourable Mr Justice R.N. Leon, who shall convene a panel of chairmen.

To resolve disputes conveniently and expeditiously, the Board shall function as an inquisitorial body. Accordingly, the parties to the dispute shall not be represented by an attorney or counsel during any hearing. Nonetheless, a legal representative of the parties may be present during any hearing and may consult freely with the parties outside of the hearing chamber.

The complaint may only proceed to a full hearing after the Chairman first determines that the Complainant has established a **prima facie** case.

On notice, both the Complainant and respondent shall appear at a full hearing on the merits, where they are free to testify, present witnesses or produce scientific, documentary or expert evidence.

All witnesses shall testify under oath or, where impracticable, by sworn affidavit if permitted by the Chairman.

Questions may be put to any witness by an adverse party, by directing such enquiry to the Board.

that an assessor declines to recuse himself, application may be made to the Chairman, who shall make a finding which is binding on the parties.

#### 1.4 Registrar

The Board shall be further assisted by the appointment of a permanent Registrar, mutually agreeable to the parties.

The Registrar shall:

- (a) receive all complaints;
- (b) have responsibility for the Board's calendar in consultation with its members;
- (c) advise the parties in writing of the dates and places of hearings;
- (d) provide for and maintain recording equipment at hearing dates;
- (e) ensure the attendance of an interpreter as is required and more fully specified below;
- (f) to provide such further and other assistance to the Board as is required in the discretion of the Convenor or Chairman.

#### 1.5 Interpreter

An interpreter shall be present at any hearing if the Chairman considers it necessary.

### 2. DESIGNATED ATTORNEY

Each party shall designate an attorney, or firm thereof, to act on its behalf for purposes of accepting service of process and to provide a liaison with the Registrar and with the Board. All notices by the Registrar, as more fully set forth below, or findings and recommendations by the Board, shall be served in writing upon the "designated attorney". The parties are free to select or change their designated attorney but must do so in writing to the Registrar.

### 3. LEGAL REPRESENTATION

To resolve disputes conveniently and expeditiously, the Board shall function as an inquisitorial body. Accordingly, the parties to the dispute shall not be represented by an attorney or counsel during any hearing. Nonetheless, a legal representative of the parties may be present during any hearing and may consult freely with the parties outside of the hearing chamber.

### 4. INVOKING JURISDICTION

The jurisdiction of the Board shall be invoked upon the filing of a complaint with the Registrar by a Complainant. The Complainant shall identify the Applicant and Respondent and set forth, in concise language, a brief outline of the case, sufficient to inform the Board and the Respondent of the

nature of the allegations made against him.

Should the complaint fail to set forth the allegations with sufficient particularity, the Registrar, in his discretion, may order further particulars, or other amplification, from the complaining party before accepting the complaint.

### 5. BOARD'S COMPETENCE

The Board is empowered to hear any complaint if:

- (a) the Respondent named is a member of either COSATU or INKATHA; and
- (b) the events underlying the complaint occurred in any Magisterial district of Pietermaritzburg and Vulindlela, including, but not limited to, Elandskop; and
- (c) the complaint alleges any incident which arises on or after 1 January 1987; and
- (d) the Respondent is alleged to have violated any of the established principles of the parties which have been stated in sub-paragraph 1.3 of the **Joint Declaration Adopted by COSATU and INKATHA**, attached hereto as annexure "A"; or
- (e) both COSATU and INKATHA agree that the matter should be heard by the Board.

### 6. THE HEARING

The complaint may only proceed to a full hearing after the Chairman first determines that the Complainant has established a **prima facie** case.

On notice, both the Complainant and respondent shall appear at a full hearing on the merits, where they are free to testify, present witnesses or produce scientific, documentary or expert evidence.

All witnesses shall testify under oath or, where impracticable, by sworn affidavit if permitted by the Chairman.

Questions may be put to any witness by an adverse party, by directing such enquiry to the Board.

### 7. RULE OF EVIDENCE

The application of the rules of evidence, including whether hearsay evidence, shall be received, shall be within the discretion of the Chairman.

### 8. SERVICE

Responsibility for informing a Respondent or witness of his obligation to appear at any proceeding in connection with the Board, shall devolve upon the organisation in which the Respondent or witness is a member, which organisation shall take all reasonable steps to ensure that the

Proceedings conducted by the Board shall not be open to the public, but shall be confined to the Complainant, Respondent, or legal representatives so designated by the parties, witnesses and the interpreter. Nor shall the identity of any Complainant or witness be made public, save with the consent of such Complainant or witness.

complaint is brought to the attention of the Respondent or a witness.

Service of the complaint shall be satisfied if it is served on the designated attorney who shall take all reasonable steps to ensure that the complaint is brought to the attention of the Respondent.

Similarly, the Registrar shall notify the parties and witnesses of any scheduled hearing by serving such notice upon the designated attorney.

Proof of service shall be satisfied by affidavit submitted by any designated attorney or by the Registrar.

**9. FAILING TO APPEAR**

Upon proof of proper service, the Board may draw an adverse inference from the failure of a witness, Complainant or Respondent to appear. The failure of a party or his witness to appear shall not bar the Board from hearing the complaint and issuing its recommendation.

**10. RE-OPENING AN ENQUIRY**

The Chairman may, in his discretion, re-open an enquiry to receive newly discovered evidence or upon good cause shown.

**11. PUBLIC DISCLOSURE AND PUBLIC ACCESS**

Proceedings conducted by the Board shall not be open to the public, but shall be confined to the Complainant, Respondent, or legal representatives so designated by the parties, witnesses and the interpreter. Nor shall the identity of any Complainant or witness be made public, save with the consent of such Complainant or witness.

All proceedings shall be mechanically recorded by the Board, but transcripts hereof shall be made available only to the parties or their legal representatives.

**12. FINDINGS**

The Chairman shall make recommendations to the party of which the Respondent in any matter is a member.

The Chairman shall make public his

recommendations thirty (30) days after remission of the Board's findings to the parties, together with the report of the action taken by the party to whom the recommendations are directed, provided that the Chairman may, in his discretion protect the anonymity of a party or a witness.

Further, the Convenor shall issue a monthly and bi-annual report, setting forth the complaints heard, recommendations issued and the action taken by the parties in respect thereof.

**13. WITHDRAWAL OF FINANCIAL ASSISTANCE**

13.1 If INKATHA or COSATU denies that a person against whom a complaint has been lodged is a member of that organisation and the chairman makes no finding to the contrary; or

13.2 If a recommendation is made by the Chairman to INKATHA or COSATU that disciplinary steps be taken against a member;

the organisation to whom the said person allegedly belongs or to whom the said recommendation was made, as the case may be:

13.3 shall in principle not provide any financial assistance to the said person or member, as the case may be, in any civil or criminal litigation which may arise from facts which form the subject matter of the complaint in question; and

13.4 shall, if it decides to provide the said financial assistance, forthwith inform the Registrar of its said decision and of its reasons therefor.

**14. COSTS**

No costs shall be awarded to any party, unless the Chairman determines that the complaint was vexatious or frivolous, in which case an award of costs, being the costs of the Board, may be made in the discretion of the Chairman.

The Chairman shall make public his recommendations thirty (30) days after remission of the Board's findings to the parties, together with the report of the action taken by the party to whom the recommendations are directed, provided that the Chairman may, in his discretion protect the anonymity of a party or a witness.

**Inkatha, in making every attempt to foster and publicise the spirit of the peace agreement between it and COSATU, has called together leaders of the movement in the Pietermaritzburg area and exhorted them to inform Inkatha members of the accord and to do everything possible to ensure its implementation.**

**NATIONAL CULTURAL LIBERATION MOVEMENT  
INKATHA YENKULULEKO YESIZWE**

PRIVATE BAG 9,  
ULUNDI,  
KWAZULU,  
3838  
TEL.: (0358) 9330  
TELEX: 6-23624

**13 September 1988**

Messrs Friedman and Friedman  
Attorneys

Dear Sirs  
PEACE ACCORD BETWEEN  
INKATHA AND COSATU

On 11 September 1988 I held an Inkatha meeting at KwaMpumuza Tribal Authority Court House to explain the terms of the above accord and to secure the signatures of support from branch committees in the Greater Pietermaritzburg area.

The meeting was attended by approximately 4 000 Inkatha members with chairmen and other senior officials representing about 39 branch committees.

The terms of the Accord which had already been translated into Zulu were thoroughly discussed and distributed. The National Chairman of the Youth Brigade

was also present and pledged the support of his Brigade.

The signatures of branch committee leaders are herewith attached for your records.

In order to monitor the implementation of the Accord the meeting resolved as follows:

- (a) Complaints from branches would be submitted to the Chairman and Secretary of each branch.
- (b) The chairman of each branch would then forward the complaints to a Committee of Constituency Chairmen which would meet every week to process complaints and submit them to the Registrar of the Complaints Adjudication Board. The local Amakhosi and the local members of the KwaZulu Legislative Assembly

would also be members of this main Committee which would be convened by the KwaZulu Urban Representative Mr V. V. Mvelase.

The branch chairmen together with the Committee of Constituency Chairmen would also ensure that the terms of the Accord are observed in their respective areas. The process of explaining the terms of the Accord will continue at local branch level under the guidance of branch chairmen, the Main Committee and the National Chairman of the Youth Brigade and his staff.

Yours sincerely

*O. D. Dhlomo*  
**DR O.D. DHLOMO**  
**SECRETARY-GENERAL**

WE, THE MEMBERS OF INKATHA BRANCHES IN THE GREATER PIETERMARITZBURG AREA, DO HEREBY DECLARE THAT WE HAVE READ AND UNDERSTOOD THE CONTENTS OF THE JOINT STATEMENT SIGNED BY INKATHA AND COSATU ON THE 2ND SEPTEMBER 1988, AND WE RESOLVE TO ENSURE THAT THE TERMS OF THE JOINT STATEMENT ARE IMPLEMENTED BY ALL INKATHA MEMBERS IN OUR AREAS OF JURISDICTION:

<u>NAME</u>	<u>RANK</u>	<u>BRANCH</u>
1. PHIKELISA NDLOVO	CHAIRMAN	IMBALI WARD 5 <i>Constituency</i>
2. ZEBULON PINO WABE	CHAIRMAN	SINKATHA

3.	MICHAEL GATLO	CHAIRMAN	Tobela ward 6
4.	HAMALO JULY	CHAIRMAN	PHATPHINI
5.	Lanwea Mafunga	Chairman	Ward 14 Hlabisi
6.	L.H. NABASA	Chairman	Women's Brigade
7.	David Nombela	Chairman	Mxani Branch
8.	A. Awethu	Ward 14	Tobela
9.	Jayus Khwela	Chairman	Haramo/Eden Corp
10.	C. Zandi	Chairman	Unit 13 Inda
11.	MOSES MATHA	CHAIRMAN	ASHDOWN
12.	Eros Ngcobo	Chairman	Maswazi
13.	JEROME M. MCHWABE	CHAIRMAN	Ward 3 IMBOKI
14.	Deputy C. Ngcobo	CHAIRMAN	LADYMA INDA
15.	Zwelahe Enock	Chairman	C. Ngcobo
16.	Ak. Khwela	Chairman	Khokhwane
17.	Gatto. Zhabetha	CHAIRPERSON	DINDI
18.	J. Johnson	CHAIRMAN	BHEWZI
19.	Gervude Mkhize	CHAIR PER	DEDA
20.	M.A. Bheru	Chairman	Sukhman (Maca)
21.	T. Z. Ngcobo	Chairman	Sijya (Maca)
22.	Ngcobo David	Chairman	Lwelyazaza
23.	R. Mkhize	Vice Secretary	Wakwani
24.	Kenneth Duma	V. Chairman	Inububu
25.	Shawn Shizi	Chairman	Ugedonkhe
26.	Shir. Mkhize	Chairman	Ubrumbane
27.	Isaac Menele	Chairman	Ward 3 Kwamane
28.	Alfred M. Ngcobo	Chairman	Kw. 11/10/10
29.	S. Mkhize	Chairman	Telelegu Ward 12
30.	Eli. M. Mkhize	Chairman	Ward 10 Kwamane
31.	S.B. Zandi	Chairman	Ward 9 "
32.	A.M. Mkhize	Chairman	AA PUMUZA/ASHDOWN
33.	Zabulile Mkhize	Chairlady	Nkheshekem
34.	Bhadrakumari Mkhize	Secretary	Zobogheke
35.	S. Zuma	Chairman	Langobut
36.	Shir. Mkhize	Chairlady	Ngobhweni
37.	THEMBA Mkhize	Chairman (Youth Dept)	Mkhizele Regia
38.	JAMES NGCOCO	Chairman	Suero
39.	Relie Ngcobo	Chairlady	Ubrumbane

# AFFIDAVITS

## What they mean in South African law

**I**n view of the large number of affidavits that have been and are presently being presented to the Natal Courts involving allegations usually concerning violence, it is important that this legal device be explained.

Unfortunately, in many instances, these affidavits are *on their own* highlighted in the media and circulated by individuals and organisations for their own purposes with subsequent replying affidavits receiving little or no attention.

Furthermore, certain individuals and organisations have access to seemingly unlimited funds with which to process these affidavits and incur Court costs while others cannot afford to do so.

Certain applications made against some Inkatha members, for instance, have caused severe financial hardship to them and their families. In defending the actions (many of which have later been withdrawn or dismissed by the Courts) they have been faced with crippling legal fees.

An affidavit is a statement made on oath by the Deponent and sworn to and signed before a commissioner of oaths.

While theoretically a deponent who signs an affidavit is liable to criminal prosecution on a charge of perjury if he willingly signs the affidavit knowing that the contents are not true and correct, it is still easy for the deponent to make allegations while knowing that they are not true or without investigating their truth.

Often the deponent is not subject to cross-examination in respect to the allegations made in the affidavit and therefore the truthfulness and authenticity of those allegations are *never* tested in a court of law by cross-examination.

It is easy to make allegations — it is not always easy to prove them.

Therefore, one cannot always accept affidavits on face value unless the deponent has been properly cross-examined in a court of law by a lawyer and the facts stated have been proved by calling for supporting evidence.

In a court of law *hearsay* evidence is not acceptable and there are many affidavits which are accepted as authentic although they contain hearsay allegations only.

In a court of law they would be struck out as inadmissible.

Affidavits often contain carefully concealed hearsay evidence which the ordinary reader or layman may not see. These affidavits are often subsequently destroyed under cross-examination and the allegations are shown to be confused, misinterpreted, false, distorted and the like.

A very important aspect of our law is the "*Audi Alteram Partem*" Rule which means "*Let the other side be heard.*"

It is a fundamental democratic and humanitarian principle and a principle of our law that every person must be given an opportunity to present his or her case fully and to be given a full hearing. To hear *only* one side is an injustice and a contravention of sound humanitarian and democratic principles.

Often, when hearing one side's version of a specific event (such as that set out in an affidavit) it all seems clear — until the other person submits his or her case.

It is morally wrong for people to quote only one set of affidavits and not the answering affidavits. Both sides should be quoted.

***When matters are brought to court on affidavit and there are counter-affidavits, the courts do not decide the issue on the basis of the affidavits only. The courts then order that the matters be referred to oral evidence so that the deponents can be cross-examined.***

The courts do this because it is often impossible to decide issues on the basis of affidavits alone.

It is essential that *everyone*, of whatever creed, race, religion, age, political outlook, social or economic status and the like, be given an opportunity to present his or her case at all times and when necessary by competent legal practitioners — as the complexity and nature of the case require. Nobody should be deprived of fair legal representation simply because he or she does not have such financial means.

In South Africa there is very little State financial assistance for those who cannot afford legal costs. Some individuals and organisations do receive funding from sources in South Africa and abroad for legal actions while those who do not are, of course, at an extreme disadvantage.

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Legal costs are exorbitant. There are many people in South Africa who are denied access to the law and thus are denied the opportunity of having their cases presented fully because, whilst innocent, they do not have the funds to seek legal assistance.



# 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.*

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

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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.

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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 joiner 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.

# DEATH AND DESTRUCTION

## *What the Courts are hearing*

**T**he Natal Courts are continually hearing numerous cases relating to violence in the Pietermaritzburg area in particular. What clearly emerges is the horrific hostility between certain factions and the tragic loss of so many lives which has resulted from these feuds.

*What is also obvious is that there are deaths on all sides. Many victims have no known link with any organisation. It is time this was made clear to individuals and organisations in South Africa and abroad who have somewhat naively taken the word of certain of those involved who have set out to publicly present the issue as one in which only one side is responsible for the carnage.*

This dangerous tactic has proliferated black disunity to an alarming degree and nowhere is it more evident than in the pronouncements of certain media and Church organisations.

Some journalists, politicians, church bodies and civic leaders have, in their statements, made it clear that they believe that one or the other side is solely to blame — in spite of ongoing peace efforts conducted by the leaders of organisations said to be involved and denials by them of complicity in any way whatsoever.

The obvious conclusion is

that violence in Pietermaritzburg is, for the most part, out of control and in the hands of instigators who are a law unto themselves.

Evidence points towards a certain degree of ANC involvement and this organization does have a stated policy of making South Africa “ungovernable” and “eliminating” political opponents as well as policemen, township councillors and others deemed to deserve a death sentence.

Within the complexities of the causes and effects of apartheid in Pietermaritzburg and throughout the country — appalling deprivation, black political disunity and the shackling of black democracy, crime and retribution, to name a few — the fact still remains that for some the lives of the ordinary terrified citizens of Pietermaritzburg are secondary to those who see the carnage as a chance to score political points.

Affidavits, many containing hearsay allegations often untested in the Courts and damning to those unfairly and not always justly accused, are given widespread publicity and heralded as “proof” of complicity of political opponents.

The following news reports and Court cases give a chilling account of what is happening and why no effort should be spared to stop the violence.

# Natal epicentre of discontent

## Political violence claimed 52 lives during October

MARITZBURG — At least 52 people were killed in political violence across the country during October — 50 of them in the Maritzburg and Durban areas.

In their daily reports, police have confirmed 34 people killed, but according to reports received by a local newspaper from members of the various communities, at least another 18 people died.

In the Hammarsdale-Mpumalanga area alone, 22 people were reported killed.

In the same period, at least 115 people — 73 in the Maritzburg and Durban areas — were injured in the ongoing violence which was exacerbated by the municipal elections on October 26.

In September, political violence claimed 40 lives — 30 of them in Natal.

A total of 208 acts of political violence were reported by police and the local communities in October. This is more than six a day.

Of these, 128 (61 percent) were reported in Natal, 48 (24 percent) in the Transvaal, 29 (14 percent) in the Cape and three (1 percent) in the Orange Free State.

In September, 151 incidents — five a day — were reported.

Police reported 101 arrests in connection with October's violence.

In the troubled Mpumalanga area, 48 incidents of political violence were reported, more than one a day. Ten of those killed have been identified by residents as Inkatha members and four as UDF supporters.

The most horrifying incident reported was the death of the 35-year-old son of the local induna, Mr Kweyama. According to reports, Mr Kweyama's son was kidnapped from his home and his headless body was found in the Umbumbulu area.

In the greater Edendale area at least 16 people died violently in October, including Mr Nqobisizwe Zuma (38) the brother of Inkatha youth leader, Mr Sichizo Zuma. Mr Zuma was killed in a gunfight at a service station in Edendale on October 25.

In the same area seven fatal stabbings and three shootings were reported.

In the greater Durban area, 12 people died and 19 were injured in this period.

Five were killed in a clash in kwamakhutha township near Amanzimtoti on October 8. — Sapa.

THE STAR, November 10, 1988

As already noted, ANC involvement has been raised as an important factor and introduced as evidence in various Court cases.

## ANC operative on mission given transport, court told

MJITHA, an African National Congress operative engaged in a mission in South Africa, had been introduced to a driver who provided transport for him by Mr Alfred Muntu Ndlovu (39), second national vice-president of the Transport and General Workers' Union and regional chairman of Cosatu, it was said in the regional court here yesterday.

Mr Ndlovu, who is in custody, is facing terrorism and two attempted murder charges before Mr A. J. Barnard.

A witness, No 3, who may not be identified, said that while he, Mjitha and others were travelling between Tay-

### Pietermaritzburg Bureau

lor's Halt bus depot and Pietermaritzburg, Mjitha put an AK47 rifle across his thighs.

Mjitha told them that if they were stopped at a police roadblock they should run away and he would shoot at the police. There was no roadblock that day.

On the trip Mjitha pointed out a spot and said he had shot children crossing the road there.

The State alleges that Mr Ndlovu drove Mjitha and other men to a point near Emzaweni School where an Inkatha Youth meeting was taking place.

After Mjitha fired shots with an AK47 at a group of people, Mr Ndlovu drove Mjitha and the others away.

Thirteen children aged 10 to 17 and a 22-year-old man were injured in the shooting.

No 3 also said that Mr Ndlovu lent him a home-made shotgun and gave him five cartridges for it. Mr Ndlovu showed him how to use it.

No 3 said that he had wanted a gun as he was being hunted by Mr Sichisi Zuma. Mr Zuma was a member of Inkatha and he a member of the United Democratic Front.

The case continues today.

# ANC involvement says witness

THE NATAL MERCURY, November 10, 1988

## Secret witness talks about school killings

Natal Mercury 10/11/1988

### Pietermaritzburg Bureau

A SENIOR-official of the Transport and General Workers Union and Cosatu, who is facing charges of attempted murder and terrorism in the Regional Court here, told a man, who is now a State witness, that he had been present when children were shot at an Inkatha youth meeting at Emzaweni School near the capital last year.

This was said in evidence yesterday by the third State witness testifying in camera at the trial of Mr Alfred Ndlovu, 38, of Imball.

One of the attempted murder charges against Mr Ndlovu relates to the alleged shooting of 15 youths with an AK-47 rifle after an Inkatha youth meeting at Emzaweni School on August 6 last year.

Mr Ndlovu has pleaded not guilty to the charges against him before Magistrate Mr G J Barnard.

### Dynamite

Yesterday's secret witness testified that he was first introduced to Mr Ndlovu last September when he was trying to obtain a gun in order to defend himself against an Inkatha member who was 'hunting' him.

The witness said he was a UDF supporter.

The witness said he had later been given a home-made shotgun by Mr Ndlovu who said he could 'use it for the time being until he could get his own'.

The witness said after he first met Mr Ndlovu he was

approached by three other people who showed him a parcel containing four sticks of dynamite which were joined by wire. He had suggested they show this to Mr Ndlovu and they did so.

Mr Ndlovu was pleased and asked where they had obtained it. One of them said the dynamite had come from his brother-in-law who worked on the mines in Johannesburg.

The accused asked if he could get more of these things and he said yes.

The witness told the Court of several meetings with Mr Ndlovu at the Sitanani Bus depot at Taylor's Halt near the capital. It was there, he said, Mr Ndlovu introduced him and his three companions to a man they called 'Mjitha'.

It is alleged in the State's indictment that Mr Ndlovu was a supporter of the ANC and that he assisted a trained terrorist known as Mjitha on a mission in South Africa.

The witness testified that on one occasion while in a car with Mjitha he pointed out a spot on the road near Emzaweni School and said that was where he had shot schoolchildren who attended an Inkatha meeting at the hall there.

The witness said on another occasion Mr Ndlovu had said he was present when the children were shot at Emzaweni.

The accused said he was present when the children

were shot at Emzaweni because the Inkatha people from higher up had nearly killed him and chased him and that was why they had taken revenge by shooting them.

The witness said on one occasion Mjitha had fetched a sports bag from the bus depot and while they were driving back Mjitha had opened it and taken out an AK-47 rifle. He had loaded it with a magazine. 'He said he did that so that if there was a roadblock he would fire and we could run away. We did not see the police along the way,' the witness said.

Another time, the witness testified that he and others had accompanied Mjitha to Stanger. Before they left however they stopped at Mr Ndlovu's house where they picked up a man named Bheki Ngcobo, whom they left at a taxi rank in Umhlanga.

Mjitha told them Ngcobo was being looked for and that he would be hidden in Durban. He also said that the Kombi taxi where they left him 'was one belonging to their organisation' and that they had many more taxis. The witness said Mjitha had been referring to the ANC organisation.

The hearing is continuing.

## Terror trial: Court told of burned homes and killings

Intimidation of witnesses and complainants has been cited by Judges. In one case involving the murder of 13 Inkatha Youth Brigade members, Mr Justice Page noted the following: "It is extremely difficult for the authorities to bring the perpetrators of this sort of crime to book . . . There was also danger to State witnesses who were to testify. Many potential witnesses did not give evidence in this trial, and I had to be asked to warn court spectators not to intimidate witnesses . . ."

ABOUT 12 complainants and potential court witnesses had been killed, or their houses had been burned down, in the past year in the Pietermaritzburg police district, the regional court was told here yesterday.

The witness, Captain A. Upton, of the Unrest Unit here, said that intimidation was so bad that even bereaved people were scared to be seen near the police.

Other potential witnesses who had made a statement to lawyers later denied having made it.

This fear of reprisal made it very difficult to prosecute perpetrators of political crimes here.

Captain Upton was tes-

### Pietermaritzburg Bureau

tifying at the regional court trial of Mr Alfred Muntu Ndlovu (38), second national vice-president of the Transport and General Workers' Union and regional chairman of Co-satu.

He faces a charge of terrorism and two of attempted murder, one arising out of the wounding of 13 youths aged from 10 to 17, and a 22-year-old man, at Vulisaka near Edendale in August last year.

Captain Upton was testifying in support of an application made by State counsel Mr Peter Blomkamp that a witness be allowed to give evidence in

camera. The witness, No 3, said he wanted to give evidence in camera because the "UDF and Co-satu have said that if one of us betrays another he will be killed".

"By betray I understand any person who informs or testifies in a case.

"If one of a group is arrested he must not testify. I believe this is such a case.

"If people know I am testifying my family will be placed in danger."

Magistrate Mr A. J. Barnard granted the application for No 3 to testify in camera.

Mr Ndlovu has pleaded not guilty.

The case continues today.





Mr Justice Thirion, in sentencing youths who stabbed a political opponent 29 times and danced round him as he was dying, said young people "quite simplistically" thought that if they could intimidate a rival political group that they could eliminate it.

In this case members of the Azanian Student Movement were convicted of the murder of a member of the Sobantu Youth Organisation, an affiliate of the UDF.

THE NATAL MERCURY, October 29, 1988

# 6 youths jailed in stabbing murder

**Bob Frean**

Pietermaritzburg Bureau

SIX youths aged about 18, who were part of a mob which dragged a political opponent from his house, stabbed him 29 times and danced round him as he was dying, were jailed for a total of 33 years here yesterday.

A seventh youth, aged 16, sentenced to seven strokes with a light cane and given a suspended jail sentence, was told that he was lucky not to be punished more severely.

The youths, all members of the Azanian Student Movement, were convicted of the murder, with extenuating circumstances, of Mr Sifiso Bhengu of Sobantu, a member of the Sobantu Youth Organisation, an affiliate of the United Democratic Front, in June last year.

Mr Justice Thirion, who found seven of 10 accused guilty of murder, said young people were often introduced into politics without having any conception of what was involved or how to behave: "They think quite simplistically that if they can intimidate a rival political group they can eliminate it.

"The exact opposite is true. Violence breeds violence and both sides are the losers because both live in fear of each other and they spend their resources combating each other.

"The house of Mr Bhengu was invaded, he was stabbed while inside, he was dragged out and butchered in broad daylight, in full view of people.

"The accused were not content with killing him. He was stabbed at least 29 times and only two wounds entered the chest cavity. He was chopped on the head and suffered brain damage. As if that were not enough, the accused had to dance around and sing while he was dying.

"If these were the only facts to consider then the sentences would be thought lenient by some, but I take into account the personal circumstances of the accused and the reasons for committing the murder, however cruel it was.

"A second fact is that the accused believed that Mr Bhengu had taken part in violence by members of the Sobantu Youth Organisation against members of the Azanian Student Movement.

Two of the accused estreated their bail before the trial started and are still being sought.

The leader of the attack, Nkosinathi Majola (18) of Imbali was jailed for seven years; a 17-year-old youth of Sobantu for three years; Israel Mbambo (18) of Sobantu for six years; Xolani Ngubane (18) of Imbali for five years; Sibusiso Zulu (18) of Sobantu for six years and Tana Khanyile (18) of Imbali for six years.

The "vindictive savagery" and "jungle law" which plagued Natal was frequently caused by teenage youths, Mr Justice Squires noted in his comments on a recent murder trial in which an Inkatha man was attacked by a mob and stabbed.

THE DAILY NEWS, November 10, 1988

## MAN JAILED, SIX FREED IN MURDER TRIAL

Daily News Reporter

AN Inkatha man was killed in a retaliatory attack which was part of the "savage circle of violence which has plagued Natal", Mr Justice Squires said in the Supreme Court, Durban, today.

Christopher Mandla Zuma (18) was sentenced to five years' jail for public violence when the judge and two assessors found he was part of a mob which attacked Mr Joshua Gcwabaza at his home in the Nqetho area of Hillcrest on April 17 this year.

A further two years' imprisonment was suspended for five years.

Six other teenagers charged with Zuma for murdering Mr Gcwabaza were acquitted.

The court found that a mob had formed with the intention of attacking Mr Gcwabaza and two other men. They were chased and the two other men escaped.

The mob then went to Mr Gcwabaza's house. The house was stoned but Mrs Gcwabaza and her children were allowed to leave.

Mr Gcwabaza was then overpowered and fatally stabbed and his house set on fire.

The court found that although Zuma was part of the mob, there was no evidence that he took part in the attack on Mr Gcwabaza, and he was convicted on the alternative charge of public violence.

Sentencing Zuma, the judge said there was a growing trail of destroyed homes and assaults frequently leading to death in many parts of Natal.

Most of the population desired to live in peace free of this sort of jungle law.

It was in the interests of the community that the courts do everything possible to stop this lawlessness.

It had been accepted that Zuma was 18 years old although he looked younger.

The court had to take into account that a good deal of the mayhem was caused by teenage youths.

In some circumstances it was not possible to treat youthful offenders leniently without causing outrage to the community.

Youths taking part in violence and those inciting them to it should not think that their youth would lead to them being treated lightly.

This was a cowardly mob attack on a single man pursued to his home and done to a violent death.

This sort of vindictive savagery could not be tolerated.

# 'Cruel, merciless'

**Bob Frean**

Judge's verdict on two men convicted

APPALLING, merciless cruelty. That was the Supreme Court verdict in Pietermaritzburg this week on the methodical execution of 13 Inkatha Youth Brigade members, aged 14 to 18.

Two men were convicted of the mass murders in a case which brought home the stark horror of the recent violence near here.

Former policeman Nkosinathi Hlengwa (46) and Robert Ndaba (36), both of KwaShange near Taylor's Halt, were jailed for 12 and nine years after they were found guilty of the 13 murders.

Mr Justice Page said there were extenuating factors in that Hlengwa, Ndaba and others had launched a preemptive raid on the youths as they feared an attack.

But their crimes remained acts of "appalling and merciless cruelty".

Five of the youths died of severe burns, six of burns and stab wounds, one of pneumonia associated with burns and one of head and stab wounds. Most of the bodies were unrecognisably scorched, with shin bones and skulls showing through the skin.

State counsel Mr Ross Stewart said during argument that the evidence gave one a picture of people trying to escape from a blazing house and being struck down one by one.

Mr Justice Page said that the attackers took the youngsters, who were inexperienced, less effective, armed and probably outnumbered, by surprise. The attackers intended to kill them and they proceeded methodically to execute them without a shred of mercy.

Evidence was that at about 1pm

## Man fired AK47 at singing children — witness

Pietermaritzburg Bureau

A MAN had fired short bursts with an AK47 rifle into a group of singing schoolchildren, it was said in a witness's statement handed into court here yesterday.

The children began screaming and running in all directions, the statement said.

The gunman had told the witness that he had "come here to help supporters of the United Democratic Front in their fight against Inkatha".

The statement, made to a policeman by a witness, was handed in during the Regional Court trial of Mr Alfred Ndlovu (38), second national vice-president of the Transport and General Workers' Union and regional chairman of Cosatu here.

Mr Ndlovu is charged with the attempted murder of the children; attempted murder of a bus driver colleague who left Cosatu to join Ufasa and terrorism.

He has pleaded not guilty to all the charges.

The witness said in a statement that Mr Ndlovu had driven a gunman and two others to and from the Emzaweni School, where the shooting was done, to shoot Mr Joseph Mabaso, an Inkatha Youth organiser, and others who were having an Inkatha meeting at the school.

Proceeding

The sheer horror of the manner in which youths die are exemplified in these Court cases in which a total of 20 youths were killed in separate incidents. In one of the cases Mr Justice Page noted that the "deeds" has sown a crop of hatred among parents, friends and relatives "the fruits of which were probably still to come."

It is worth noting that although there is overwhelming evidence that youth are the victims in many of the killings, much of the reporting on Pietermaritzburg by local and international reporters has claimed that the violence is a result of a "generation gap" between older "traditionalists" and "young people" and that there is an "ideological split" between urban and rural blacks.

This is clearly not the case and is typical of much of the muddled and misinformed reporting published about Pietermaritzburg.



The scene of the "cruel, merciless mass murder" of 13 Inkatha Youth Brigade members.

# ess mass murder'

of the execution of 13 Inkatha Youth Brigade members

September 25 last year a group led by Hlengwa attacked the house in which the youngsters and some men were gathered.

The house was encircled by Hlengwa's men and stones were thrown, breaking windows. Shots were fired and a door was smashed in.

When the youths tried to barricade the doorway with a mattress a fire was started and the house began to burn.

More shots were fired into the house

and some of the young men escaped. When some youths tried to break away they were attacked.

Their screams ceased only when a gas bottle exploded.

This explosion produced the final holocaust, the judge said.

Extenuating circumstances were that kraals of Hlengwa, Ndaba and others were probably under threat of attack and that the deceased had formed part of a group that had probably gathered to launch an attack.

The court also accepted that Hleng-

wa and Ndaba had asked the police for protection against threatened attacks. Protection was withdrawn after a short period.

Mr Justice Page said that people were allowed to act in self-defence, but there had to be limits to the force used. Hlengwa and Ndaba had grossly exceeded what was justified.

Mr Justice Page said: "It is vitally important that these limits be observed; to disregard them leads to lawlessness, which all too often lightly escalates into a situation in which

these crimes were committed.

"People not part of rival factions were swept into the turmoil; no one was allowed to remain neutral.

"There was also danger to State witnesses who were to testify. Many potential witnesses did not give evidence in this trial, and I had to be asked to warn court spectators not to intimidate witnesses.

"It is extremely difficult for the authorities to bring the perpetrators of this sort of crime to book."

The deeds of Hlengwa and Ndaba had sown a crop of hatred among parents, friends and relatives, the fruits of which were probably still to come.

# INTIMIDATION: 'Give evidence and you die'

THE DAILY NEWS, November 1, 1988

## Teenager tells of pool horror

Howard Winson

THE sole survivor of eight Kwa-Mashu teenagers — who were kidnapped, stabbed and beaten, then thrown into a pool, stabbed again and left for dead — yesterday told the Supreme Court in Durban of his ordeal.

Nineteen-year-old Duncan Mntambo was giving evidence before Mr Justice Broome and two assessors in the trial of 11 men, most of them alleged to be members of Inkatha, charged with kidnapping nine teenagers, murdering seven of them and attempting to murder another.

The 11, Mr Emmanuel Khanyile (27), Mr Siphon Ndlovu (32), Mr Bhekani Phewa (30), Mr Lucky Mtshali (30), Mr Siphon Dube (31), Mr Morgan Mkhize (25), Mr Phillip Biyela (40), Mr John Khuzwayo (39), Mr Thami Ndlovu (18), Mr Lawrence Mavuso (18) and Mr Dennis Victor (40), have pleaded not guilty to all

Men killed seven youths, alleges survivor

the charges.

Mr Mntambo told the court that he was walking to his home at KwaMashu on March 16 last year when a kombi stopped near him. He was grabbed from behind. He tried to break free but was stabbed and hit.

He asked what he had done but received no reply.

Mr Mntambo said he was pulled into the kombi. Inside he saw a boy he knew as Kanda sitting on the floor.

One of the men said: "These are the people who kill amabutho (community policemen)."

Mr Mntambo said he was again hit and stabbed.

The kombi then drove on and

stopped again. Some of the men got out and then returned with two other boys. The boys were made to sit on the floor and were hit on the head. The men said they were taking the boys to Lindelane to kill them. They did not say why they were going to kill the boys.

At Lindelane the kombi stopped at a point where there was a big crowd in the street. The men in the street were armed with a variety of weapons. One of the accused, Mr Khanyile, who was armed with a homemade shotgun, entered the kombi and asked for the names of the boys. They gave their names.

Mr Siphon Ndlovu, armed with a bushknife, and Mr Phewa, armed with a knife, assegai and sticks, also entered the kombi. Two kombis drove to a cemetery and the boys were ordered out. The boys were marched to a pool.

Mr Mntambo said the boys were pushed into the pool and stabbed by the men surrounding them. He

felt himself being stabbed with knives and assegais.

He heard someone say: "Let us go. These dogs are dead."

When the men left he crawled from the water. He saw the bodies of some of the boys floating in the water. One boy was sitting in the water and groaning.

Mr Mntambo said he crawled to a nearby shack and asked for water but the people closed the gate. He lost consciousness. The next thing he knew he was in a vehicle. He heard someone swear and say: "You are not dying". Then he heard a shot.

He was thrown out of the vehicle and hid in the grass at the roadside.

He then tried to stop buses. None stopped. Eventually a taxi stopped and took him to a police station. From there he was taken to hospital.

Mr Mntambo said he was in hospital for more than three months recovering from his injuries.

Proceeding

# ONE-SIDED STORIES

## *Bias in some sections of the media*

### THE FIGHTING GOES ON — IN SPITE OF THE "PEACE PACT" *Violence in South Africa's Natal province continues*

By EPD correspondent Hans Brandt

QUOTE — EVANGELICAL PRESS SERVICE (EPD),  
West Germany, November 15, 1988:

... "We have reason to believe that certain warlords want to seize power," says Roy Ainslie, regional director of the liberal Progressive Federal Party. He adds: "It appears to be a well co-ordinated campaign." ... At this moment 11 Inkatha members are on trial in Durban ... It is uncertain, however, whether the notorious Inkatha "warlords" in Pietermaritzburg are prepared to relinquish the power they gained by violent means ..."

QUOTE — ROY AINSLIE, REGIONAL DIRECTOR OF  
THE PROGRESSIVE FEDERAL PARTY, INTERVIEW  
WITH CLARION CALL, November 24, 1988:

"The Evangelical Press Service has misquoted me. At no time have I linked Inkatha with "warlords" and would never do so. When I refer to so-called "warlords" I refer to unknown elements linked to vigilantes. I am very careful about this, I do not link "warlords" to Inkatha."

**T**he Evangelical Press Service (EPD) in Germany is an influential news and information agency received by opinionmakers throughout that country and elsewhere in Europe.

The EPD plays an important role in determining public attitudes towards issues in South Africa and there is no doubt that the views expressed by the EPD also play a major part in determining how many millions of DM are allocated by church bodies in Germany to (for the most part) various anti-apartheid organisations as well as church and welfare agencies in South Africa.

It is significant, however, that access to this funding is more often than not given to organisations approved of by the External Mission of the ANC or their supporters. It is as if certain organisations in Germany are not aware that there are many other organisations who oppose

apartheid but who do not necessarily wish to follow the dictates of the pro-violence ANC.

Inkatha is one of them. Precious little German church money comes its way. Inkatha has refused to become a surrogate of the ANC or support the armed struggle, sanctions and disinvestment.

The ANC, by its own admission, is out to "destroy" the movement, and when one notes the attitudes of certain church organisations in Europe towards Inkatha one has reason to query whether they are wittingly or unwittingly aiding the ANC to achieve this end.

It would appear that some church leaderships in Europe

### Inkatha group attacked by over 50 youths

DURBAN. — More than 50 Black youths on Wednesday night attacked a vehicle carrying six members of Inkatha as they returned from a court hearing involving UDF members.

The six, including the chairman of the Elandskop branch, Mr David Ntombela, had a lucky escape when a petrol bomb lobbed through the window of the van failed to ignite.

The attackers hurled rocks and bricks through the open passenger window.

The six were returning to Elandskop from the Durban Regional Court

where a case involving three UDF members was being heard.

They stopped at a shop in Edendale at about 5 pm and, Mr Ntombela said, "I was just pulling off when a large group of youths attacked the van. There were more than 50 of them."

He said a petrol bomb was thrown through the open window, missing him but hitting the windscreen, which shattered.

A passenger, Mrs Caroline Sosibo, received slight cuts to her legs as the broken bottle which held the petrol fell to the floor. — Sapa.

The Citizen: November 4, 1988

These two newspaper clippings published in South Africa clearly reveal how both the so-called "sides" are tragically caught up in the Pietermaritzburg conflict and are exposed to criminal behaviour. Some reports published abroad, however, present the situation as if only one side is primarily on the receiving end of the violence and the other is the aggressor.

# Why are certain Church agencies failing to act as conciliators?

have problems with a liberation movement, *separate from the ANC*, which has its own structures and political agenda and calls for a *multi-party* approach to the elimination of apartheid.

The following question therefore needs to be asked: Do some church leaders and organisations in Europe and elsewhere prescribe to the view that the ANC and only the ANC (including organisations approved by them) are the "*sole and authentic*" voices of black liberation in South Africa?

If not, why does it appear that every effort is made by some to besmirch Inkatha's name?

The EPD report of November 15 is a classic example. Nowhere in the report does the correspondent give evidence of hostility directed by other groups *towards* Inkatha apart from noting that nearly 1 000 people have died in the overall "fighting".

Why not, when there are numerous examples?

In mentioning a recent case in which *alleged* Inkatha members had allegedly murdered UDF sympathisers, why did the EPD correspondent *fail* to note (for example) an equally recent case in which a senior COSATU official is standing trial on terrorism and attempted murder charges involving members of Inkatha who were the alleged victims?

Fortunately, the EPD *did* quote Inkatha Secretary-General, Dr Oscar Dhlomo, as welcoming the "peace pact" and the promotion of "the concept of peaceful co-existence."

The reporter, nevertheless, took the trouble to inform EPD readers in an obvious slant that, in his view, it was "uncertain" whether Inkatha members would comply. He concluded with an emotive description of an alleged murder by alleged Inkatha groups.

The EPD has reported on the violence in Pietermaritzburg on many occasions. Their stories are almost invariably negative regarding Dr Mangosuthu Buthelezi, the KwaZulu Government and Inkatha.

A one-sided and biased impression is constantly given by the EPD to its readers who, many thousands of miles away from South Africa, must invariably conclude (if they have no other untainted access to information) that Inkatha is *the* problem.

Surely it is time, when so many lives have already been lost, that this kind of reporting ceased. Objectivity and balance is crucial.

Nobody is denying the violence. Leaders of organisations said to be involved, including Inkatha, are attempting to stop it. Inkatha's leadership vehemently denies instigating or supporting the violence — as does the leadership of the UDF and COSATU.

All sides are burying their dead.

The EPD report is highlighted because it typifies the kind of biased reporting which to date has encouraged black (and white) disunity and further exacerbates tensions.

Inkatha and KwaZulu see church bodies playing a conciliatory role in line with Christian values. Thankfully many are attempting to do this. Regrettably, some others are not.

City Press: November 6, 1988

## Mpumalanga terrorised by vigilante hit squads

GANGS armed with shotguns are spreading terror in Mpumalanga near Hammarsdale where they are killing and intimidating UDF supporters, according to residents of the township.

They say the gangs, about four or five members strong, arrived in the area two weeks ago.

Local news reporters said they saw three such gangs this week, casually dressed, some in shorts, but all carrying shotguns.

The reporters found spent cartridges in one part of the township where youths had been shot earlier in the week.

Residents said the gangs were spreading terror throughout the township and related horrifying stories of how members of their families had been shot at, whipped and beaten.

They said they feared for their lives.

One woman said she slept under her dressing table at night. Another said she was too frightened to send her children to the shops for fear they would be attacked.

Residents who spoke asked not to be named for fear of reprisal by the gangs, but said they were willing to make statements to the police.

One man, who asked to be named, Joseph Majola, told how his 15-year-old brother, Thulani, was killed in Unit 1 South on Tuesday.

Majola, 31, said he had seen a gang armed with shotguns arrive in the area and then shoot his brother, who had been talking to some friends in the street.

"Thulani was wounded in the head. I ran to his side but the gang stopped me," said Majola.

"They then called another man who shot my brother again, killing him. The man then rolled Thulani's body over with his foot and asked me: 'What do you think now?' I replied: 'It is enough. You have killed him.'"

Another victim of the gangs, Sizwe Dlomo, 18, said he was shot in the arm and legs on Tuesday. Dlomo said he had been standing outside his house with his brothers, Maxwell, 20, and Muzikayise, 22, when four men armed with "pumpguns", arrived.

The Dlomo brothers ran away, but were fired at from behind. All three were wounded and Maxwell was still in a serious condition in King Edward Hospital, he said.

Members of one gang threatened to shoot a reporter when he took photographs of them on Friday. The incident was witnessed by lawyers from the Legal Resources Centre in Durban who made statements to the police in Hammarsdale. — Sapa

**T**he overwhelming majority of blacks in KwaZulu-Natal support power sharing between all races in South Africa, with only a small minority favouring a black-only government.

They also support the free enterprise system, continued patience on the part of the black majority and a combined government for KwaZulu-Natal. They oppose the violent overthrow of the white government, sanctions, consumer boycotts and organised anti-government labour action.

These are among the final findings of a recent scientific study commissioned by the KwaZulu-Natal Indaba.

Asked to respond to the statement "Power sharing between all races in South Africa is the best solution", 90 percent of the sample agreed, as opposed to only four percent who disagreed, with the remaining six percent undecided.

Asked which specific group or groups should rule South Africa, respondents answered as follows: All races together, 40 percent; black and white, 15 percent; only white, seven percent, don't know, 27 percent.

Further statements in the survey sought to ascertain what type of political future and society were desired by respondents. The statements and responses were:

- "When apartheid goes, free enterprise should continue and people should be given the chance to start and run their own businesses" — agree 78 percent, disagree three percent, don't know 19 percent.
- "The government of KwaZulu-Natal should be combined or made one with the government of Natal" — agree 65 percent, disagree nine percent, don't know 26 percent.
- "Different areas and groups of people must be allowed to rule themselves in the best way for them" — agree 61 percent, disagree 16 percent, don't know 23 percent.

Attitudes towards possible

strategies to be pursued towards change were explored in further statements seeking responses. These were:

- "The removal of apartheid laws will allow for peaceful progress" — agree 90 percent, disagree three percent, don't know seven percent.
- "The black majority must be patient and wait for the white government to make changes" — agree 51 percent, disagree 28 percent, don't know 21 percent.
- "Consumer boycotts are not a good way to bring about change" — agree 43 percent, disagree 28 percent, don't know 19 percent.
- "Violent overthrow of the present white government is the only way" — agree 16 percent, disagree 53 percent, don't know 31 percent.
- "Blacks should support sanctions as a means of political change in South Africa" — agree 11 percent, disagree 63 percent, don't know 26 percent.

Attitudes towards potential agents for change were explored in a concluding section of the survey. The statements and responses were:

- "The church has an important role to play in the solution" — agree 51 percent, disagree 24 percent, don't know 25 percent.
- "Black labour can force the white government to accept black majority rights and rule" — agree 22 percent, disagree 43 percent, don't know 35 percent.

Respondents were highly sceptical of the ability of white political parties to solve the country's problems, with only 18 percent of respondents believing any of them could do so, 35 percent disagreeing and 47 percent uncertain.

Commenting on the research results, Indaba communications director Peter Babcock said the organisation was heartened by the confirmation that blacks were firmly committed to equitable

power sharing.

"The survey proves that by far the majority of blacks favour peaceful power sharing and are firmly opposed to violent solutions and radical strategies for change," he said.

The survey was carried out by the market research firm Research International during the period July-September this year and involved an area-stratified random probability sample of 802 black adults who were interviewed personally in their own homes in the language of their choice.

The accuracy and validity of the survey has been attested to by Caroline Harben, managing director of Research International.

"Great pains were taken to design a sample which could be broadly representative of the attitudes of blacks in KwaZulu-Natal and would guarantee statistical validity and reliability," she said. "I am satisfied that the questionnaire was objective and met the stringent standards demanded by socio-political work."

## Own priori

BREAD and butter issues far outweighed political aspirations among black people in KwaZulu-Natal, a survey commissioned by the Indaba has discovered.

Research International canvassed 802 adults in their homes in the language of their choice in July, August and September to build a picture of their lives.

Questioned about their needs and aspirations, 59 percent rated owning their own homes as their top priority.

Other priorities in their needs and aspirations were: financial security 51 percent of respondents, a good job 43 percent, educating themselves and their families 37 percent, infrastructural needs 35 percent, equality in education and pay 31 percent, owning a car/TV 28 percent.

A desire for political rights was rated at 8 percent of respondents.

"However, it is clear that the desire for political rights rose sharply once these primary needs

# What the majority want:

# PEACE AND STABILITY

THE DAILY NEWS, November 4, 1988

## Home is Zulu y — research

Martin Challenor  
Political Reporter

been met and improvements in the education system had begun to take effect," the Indaba said.

Respondents were also asked to rate their fears and worries. The outcome was losing their job 94 percent, their house being burned down 94 percent, not having enough money 91 percent, being caught up in street violence 89 percent, being hurt or killed in political violence 88 percent, being uncertain of their children's future 87 percent, being detained 86 percent, being forced to live in certain areas 73 percent, and having to live under white rule 49 percent.

Indaba said the survey revealed alarmingly low levels of employment, income and educational qualifications among black people in KwaZulu and Natal:

- More than 60 percent of the respondents were unemployed, with

only 29 percent in full-time jobs and the remaining 10 percent either students or part-time employees. These figures showed a 44 percent unemployment rate in the urban areas, 59 percent among shack-dwellers and 72 percent in rural areas;

- Only 9 percent of respondents had a household income of more than R800 a month and 65 percent had an income less than R500 a month;

- Only 15 percent had completed primary school, only 9 percent had completed high school, only 2 percent had post-matric qualifications and only 1 percent had had university education of any kind.

Research International said: "Great pains were taken to design a sample which would be broadly representative of the attitudes of blacks in KwaZulu Natal and would guarantee statistical validity and reliability."

THE STAR, November 23, 1988

## Survey of blacks in kwaZulu

# 'Majority reject violence'

The overwhelming majority of blacks in kwaZulu, Natal, believe that a peaceful, negotiated solution to South Africa's problems is possible and they reject political violence as an alternative.

This is among the latest findings of a recent scientific study conducted on behalf of the kwaZulu-Natal Indaba.

Asked to respond to the statement "A peaceful, negotiated constitutional solution to South Africa's problems is possible", 92 percent of those canvassed agreed, 3 percent disagreed and 5 percent were uncertain.

Attitudes to violence were also canvassed according to respondents' reactions to certain statements. The statements and results were as follows:

- "I believe black-on-black violence will help lead to political change" — 3 percent agree, 78 percent disagree and 19 percent did not know.

- "I am prepared to accept black-on-black violence as a means of ensuring dominance of my party" — agree 4 percent, disagree 78 percent, don't know 18 percent.

- "I am prepared to accept black-on-black violence if it sorts out radicals and troublemakers" — agree 7 percent, disagree 77 percent, don't know 16 percent.

- "I am prepared to accept violence under certain circumstances if it will bring political change" — agree 17 percent, disagree 68 percent, don't know 15 percent.

### Own Correspondent

- "Violence against the whites is acceptable if it leads to change" — agree 20 percent, disagree 60 percent, don't know 20 percent.

- "Violence against the white government is acceptable if it leads to change" — agree 22 percent, disagree 56 percent, don't know 22 percent.

Commenting on the conclusion of the study, the Indaba's communications director, Mr Peter Badcock, said it was obvious the overwhelming majority of blacks rejected violence.

"However, there is still cause for concern when reviewing attitudes on the acceptability of violence as a means towards change.

"Though the proponents remain a definite minority, they are still a substantial group who could complicate things for peacemakers," he said.

Attitudes to the presence of the police and army in the townships were favourable.

When asked if the army helps to make the township safe for residents, 64 percent of respondents agreed with the statement, 13 percent disagreed and 23 percent did not know.

The survey was carried out by the market research firm Research International during July-September this year.

It involved an area-stratified random probability sample of 802 black adults who were interviewed in their homes in the language of their choice.

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# INHLABAMKHOSI

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