

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In his remarks granting leave for the ZONDO/COSATU and others application to be withdrawn, the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