

Inkatha Freedom Party vs. City Press

Ruling by the acting Press Ombud
7 September 2021

Particulars

Complaint number: 9203

Lodged by: Mr VF Hlabisa, President of the Inkatha Freedom Party

Date of article: 25 July 2021

Headline: *Another inferno in the making*

Print and online: Yes

Author of article: Mondli Makhanya, editor-in-chief

Respondent: Rapule Tabane, political editor, City Press

1. Complaint

1.1 Firstly, I need to start with a general remark: I have received two complaints (complaint numbers 2903 and 2904) about the same subject matter – one from the Inkatha Freedom Party (IFP), and one from Prince Mangosuthu Buthelezi. However, City Press has largely sent me one reply (well two, in fact, but the one is nothing more than a copy of the other). While the subject matter of these complaints was the same, they were two different complaints (similar, yes, but not identical) and lodged by two different people – which warranted two different responses. This has made adjudication unnecessarily difficult, not only for me, but also for Mr Hlabisa to respond properly to the newspaper’s reply to his complaints.

1.2 The gist of the IFP’s complaint is that it was unfair, unsubstantiated and unjustified to claim that a dangerous strain of Zulu nationalism has always resided in the IFP, and that that characteristic within the IFP was a major factor in causing the civil unrest.

1.3 The party adds that the editor-in-chief was biased and complains that personal and political considerations have influenced his editorial, as he has a long history of biased reporting and commenting on the IFP behind him.

1.4 In conclusion, Hlabisa complains that the editorial was “extremely damaging” to the IFP’s reputation, and that it has the potential to incite prejudice, unfair discrimination and even violence against IFP members and supporters in the present climate of volatility (read: hate speech).

1.5 The IFP asks for a public apology both in print and online, a reprimand, a caution, a space sanction enabling the IFP to counter the damaging accusations that have been made against the IFP. It adds it seeks the same remedy in publications in which the article was published, including The Witness of 26 July 2021.

1.6 The IFP also asks that this office should:

- specifically point out that the newspaper is a repeat offender; and
- convene a hearing to inquire into the repeated offences and ask City Press for an explanation and a plan to prevent recidivism.

2. Sections of the Press Code complained about

The IFP cites the following sections of the Press Code which it says City Press has transgressed:

- 1.1: *“The media shall take care to report news truthfully, accurately and fairly”*;
- 2.1: *“The media shall not allow commercial, political, personal or other non-professional considerations to influence reporting, and avoid conflicts of interest as well as practices that could lead readers to doubt the media’s independence and professionalism”*;
- 3.3: *“The media shall exercise care and consideration in matters involving dignity and reputation...”*; and
- 9.1: *“The media shall exercise due care and responsibility when presenting brutality, violence and suffering...”*

3. The text

3.1 The column focused on the events of the previous week in which civil unrest in KwaZulu-Natal and Gauteng saw widespread violent protests, looting, damage to property and infrastructure, and loss of life.

3.2 Makhanya’s main contention was that Pres. Cyril Ramaphosa first correctly attributed the looting and violence to “ethnic mobilisation” – but then denied any such mobilisation in the face of huge criticism.

3.3 At the centre of the complaint are the following sentences: “A huge cause of the events of that tragic week was the re-emergence of a dangerous strain of Zulu nationalism that has always resided in the Inkatha Freedom Party and that has now found fertile ground in the governing ANC. The president of the majority party and the head of state should have no qualms about calling out tribalism and condemning tendencies that have the potential to derail the nationhood project and the stability of the country. Ethnic nationalism is one of those tendencies, and our recent history tells us that, when used for corrupt ends, it has the potential to be bloody and deadly.”

4. The arguments

4.1 In support of its complaint, the IFP says that Makhanya, by his own written admission, was an active participant in the so-called People’s War (when black-on-black violence waged in the eighties and early nineties between the ANC and the IFP). Hlabisa quotes Makhanya as saying:

- “I was proud to be a part of [the People’s War] ... I enjoyed the excitement of battle; the sight of a sea of burning shacks and desperate men running for dear life”; and
- “To me [an IFP member who was set alight] was not a human being – he was an enemy who deserved what he got.”

4.2 He concludes that Makhanya’s determined and long-waged campaign to vilify the IFP “has now extended to the absurd and defamatory accusation that the IFP is somehow the cause of the recent civil unrest”. This, he submits, is extremely damaging to the IFP’s reputation, and has the potential to incite prejudice, unfair discrimination and even violence against IFP members and supporters in the present climate of volatility.

4.3 Rapule Tabane contends that the leader of the IFP is a public figure with a past that has been documented by historians, investigators, journalists and commissions of inquiry, and argues that the text was neither plucked from the air nor influenced by prejudice.

4.4 He refuses to enter into any debate on Makhanya’s past.

4.5 The political editor denies that the column in any way apportioned culpability for the violence to the IFP or its supporters. On the contrary, “it is very clear ... the writer recognised, as most South Africans did, that the spark for the violence was the arrest of Jacob Zuma and that the likely instigators and perpetrators were supporters of the party that the former president belongs to. An accurate reading of the article will also show that it is the writer’s opinion that the exploitation of Zulu nationalism lay behind the mobilisation around the arrest of Zuma and the violence that accompanied the protests.”

4.6 Tabane adds that, on social media posts and in voice notes that circulated, the characterisation of Zuma as “one of our own” was a big part of the nationalistic mobilisation.

4.7 “At no point does the writer attest that the IFP was involved in the mobilisation,” he submits.

4.8 Referring to Inkatha’s past, Tabane argues that it was formed as a Zulu cultural organisation and then morphed into a political party that eventually ran the ethnically defined KwaZulu homeland. “Throughout the 1970s and 1980s the IFP organised along these nationalistic lines and during the negotiations towards South Africa’s transition one of the IFP’s key stances was the demand for the recognition of the Zulu kingdom and monarchy within a federal set-up. Therefore, the IFP’s Zulu nationalist roots cannot be denied, regardless of the party’s attempts to reconfigure itself as a modern party with a national appeal.”

4.9 The political editor says Makhanya has argued that the growth of the ANC in

KwaZulu-Natal during the rise and tenure of Zuma was due to an influx of IFP members who infused their former party's thinking and practices into the ANC. "It is the contention of the writer that Zulu nationalism now runs in the veins of the ANC in the province," he submits.

4.10 Tabane contends it is a matter of fact that members and leaders of the IFP, propounding this nationalistic ideology and fervour, were the primary instigators of the violence in the then province of Natal in the 1980s and later spread to Gauteng in the 1990s. "This is confirmed in investigations by various independent bodies and various commissions," he adds.

4.11 He refers to a finding by the Truth and Reconciliation Commission that the IFP had participated in state-sponsored violence and acted as a surrogate for the state against the ANC and its allies. He says the TRC wrote, "It also sought and received training and arms from the security forces which assisted it in forming death squads. Furthermore, the evidence shows that members of the IFP and KwaZulu Police leadership knew of and participated in the planning of the violence and has no reason or justification in doubting or claiming ignorance of its causes."

4.12 Tabane concludes:

- Makhanya has based his comment on facts and his comment was fair in terms of the historical record;
- Buthelezi may feel that his reputation and dignity have been impaired, but that does not take away from the historical accuracy on which the writer based his comment;
- The issue of Makhanya being a repeat offender does not arise, as a repeat offender is someone who has been repeatedly found guilty of the same offence, which is not the case here; and
- The column was fair political commentary.

4.13 Hlabisa responds that the newspaper did not reply to his specific complaint and that it has offered responses which were irrelevant. One such example of this is Tabane's references to Buthelezi – while the complaint was not about him, but rather about the IFP.

4.14 He maintains:

- Makhanya's past speaks to his prejudice, which is the basis for his contravention of section 2.1 of the Press Code – and yet City Press has chosen not to address this matter. "This charge thus remains uncontested," he argues;
- The editorial directly linked the IFP and IFP supporters with the violence. "What does 'a huge cause' mean, except involvement?", he asks;
- The references to former Pres. Jacob Zuma made it all the more anomalous to refer to the IFP. "Why bring the IFP into this, except to implicate it as part of the cause?", he wants to know;
- In a previous article by Makhanya (headlined, *The fires of tribalism*; 11 July 2021) he directly stated that the violence and looting ignited in KwaZulu-Natal following Zuma's incarceration were the result of "IFP members" having joined the ANC, thereby changing its nature. He called such IFP members "backward" Zulu "former warlords";

- Inkatha was never confined to Zulu-speaking members, and it never “morphed” into a political party (which suggests an evolution over time);
- The statement that the IFP has tried to “reconfigure itself as a modern party with a national appeal” is insulting – the IFP *is* a national party which is represented by 14 members in the National Parliament of South Africa, and have served in the National Parliament since 1994. “How we are not ‘modern’ is quite baffling, but this sentence alone should give some indication of the depth of contempt the respondent has for the IFP, which [allows] personal prejudice to bring into question its professionalism,” he adds;
- There is not a single commission or independent body, including the TRC, that has identified members of the IFP who propounded Zulu nationalism as “the primary instigators of the violence” that emerged in the 80s and early 90s – this violence was instigated by the ANC’s launch of a people’s war, which Inkatha refused to support.

4.15 Hlabisa concludes, “For the purposes of this complaint, the only question is whether it was fair for the writer to claim that (a) a ‘dangerous strain’ of Zulu nationalism has always resided in the IFP, and (b) this characteristic of the IFP was a huge cause of the looting, violence and civil unrest. It is beyond question that the writer intended to implicate the IFP in these events (as the main cause), just as he did in his article of the previous week.”

5. Analysis

Hlabisa is correct: The central questions confronting me are whether it was fair and justified to claim that a dangerous strain of Zulu nationalism has always resided in the IFP, and whether that characteristic within the IFP was a major factor in causing the civil unrest.

5.1 Did the editorial claim that a ‘dangerous strain of Zulu nationalism’ was inherent to the IFP?

5.1.1 The answer to this question is “yes”. This is what Makhanya wrote: “A huge cause of the events of that tragic week was the re-emergence of a dangerous strain of Zulu nationalism that has always resided in the Inkatha Freedom Party...”

5.1.2 The question is whether this statement was fair and justified.

5.1.3 Unfortunately, Hlabisa does not motivate the complaint in this regard. He denies that it is true, but he does not elaborate on *why* it is not true. This is not helpful.

5.1.4 Tabane’s argument, on the other hand, as documented in Sub-section 4.8 above (which do not need any repeating), is rather convincing.

5.1.5 By this, I am not saying it is necessarily true that the IFP harbours a “dangerous strain of Zulu nationalism” – it is not for this office to accuse any political party of any such kind. I am saying, though, that Tabane’s argument makes it *reasonable* for Makhanya to have held this viewpoint – and thereby, staying within the parameters set by the Press Code.

5.1.6 It is also important to note that the editorial only once referred to the IFP – the rest was mostly about Ramaphosa and the ANC. I quote the full sentence in this regard, putting the relevant parts in italics: “A huge cause of the events of that tragic week was the re-emergence of a dangerous strain of Zulu nationalism that has always resided in the Inkatha Freedom Party *and that has now found fertile ground in the governing ANC.*”

5.1.7 Let me also say this in passing: It is also not for this office to decide who were the good and who were the bad guys in the People’s War.

5.2 Was a dangerous strain of Zulu nationalism a main cause of the unrest?

5.2.1 It is noteworthy that Makhanya referred to “a dangerous strain of Zulu nationalism” – in other words, to a certain type of nationalism. He did not say that Zulu nationalism, as such, was a potential threat to the country. Unfortunately, he did not elaborate on what exactly he meant by this “dangerous strain”. That would indeed have been helpful.

5.2.2 Be that as it may, some forms of (any type of) nationalism can indeed be potentially harmful to a country. It is not for this office to decide whether or not it is true that a specific type of Zulu nationalism was potentially dangerous or not – the reasonableness of such a statement is what counts.

5.2.3 The question, therefore, is not whether the editor-in-chief is right or wrong on this count. This is what Section 7.2 of the Press Code says about protected comment: “... *comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment.* The editor-in-chief had a right to hold his opinion, and he had the same right to voice that opinion – which he did, within the parameters set by the Press Code.

5.2.4 I also do not believe that Makhanya has accused either the ANC or the IFP, as organisations and political parties, of instigating the looting and the violence – his point is that a certain type of Zulu nationalism *within* both parties was to be blamed.

5.3 Personal and political considerations; repeat offender

5.3.1 I have noted, and documented, what Hlabisa has said about Makhanya’s past.

5.3.2 I am thankful that the newspaper did not respond to that part of the complaint – everybody has a past, and nobody views the world from a *tabula rasa* point of view.

5.3.3 I might have considered this part of the complaint if I:

- found that it was unreasonable for Makhanya to have held his opinions; and
- had a record of the editor-in-chief having previously been found in breach of the Press Code regarding Zulus, Buthelezi or the IFP.

5.3.4 I have asked Hlabisa to which previous findings against the City Press with regards to the IFP he referred – for a newspaper can only be a repeat offender if it has previously

committed similar offences. I have not received a response from him, and neither could I find any evidence of such repeat offences.

5.3.5 This means that I can also not convene a hearing to inquire into the repeated offences and ask the newspaper for an explanation and a plan to prevent recidivism, as requested by Hlabisa.

5.4 Hate speech

5.4.1 The only issue that remains is whether the column had the potential to incite prejudice, unfair discrimination and even violence against IFP members and supporters (read: hate speech).

5.4.2 This is an extremely serious accusation, and I treat it as such.

5.4.3 I need to make a distinction between the *possibility* of violence (following the publication of a text) and the *incitement* to violence – the Press Code prohibits the latter, but not the former.

5.4.4 Firstly, I have found no trace of incitement to violence in the whole of the column – neither explicitly so, nor by implication or suggestion. In fact, the article warns against it. This is how Makhanya ended his editorial: “Let us by all means get to the bottom of what happened in Phoenix, but those who lead this country should not allow that tragedy to be the inflammable liquid that will ignite an even bigger inferno.”

5.4.5 Let me not speculate on the question if violence could possibly have erupted following the publication of the editorial – but if it did, the messenger is not to be blamed.

5.4.6 I need to add, though, that I find it strange that Tabane does not respond to this part of the complaint – especially given the extremely serious nature thereof.

6. Finding

The complaint is **dismissed**.

7. Appeal

The Complaints Procedures lay down that within seven working days of receipt of this decision, either party may apply for leave to appeal to the Chairperson of the SA Press Appeals Panel, Judge Bernard Ngoepe, fully setting out the grounds of appeal. He can be contacted at Khanyim@ombudsman.org.za.

Johan Retief

Acting Press Ombud