

Prince Mangosuthu Buthelezi vs. City Press

Ruling by the acting Press Ombud
7 September 2021

Particulars

Complaint number: 9204

Lodged by: Prince Mangosuthu Buthelezi, in his capacity as traditional Prime Minister to the Zulu monarch and nation, on behalf of all members of the Zulu nation

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 – the first one from the Inkatha Freedom Party (IFP), and the other 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 Buthelezi to properly respond to the newspaper’s reply to their complaints.

1.2 The gist of Buthelezi’s complaint is that the piece falsely and unfairly blamed Zulus for the recent looting and violence, and for stating that Zulu nationalism had the potential to endanger the stability of the country.

1.3 This, he adds, has fuelled violence towards Zulu-speaking people (in other words, the text amounted to hate speech), and suggested that if action was not taken against the Zulu nation, the entire country would be destabilised.

1.4 He labels this article as “inflammatory, defamatory and extremely irresponsible” and concludes: “The fact that Mr Makhanya brings the Inkatha Freedom Party into it is an indication that his political and personal bias have motivated his prejudicial attack on Zulu people [and on himself], and that there is malice in this attack.”

1.5 Buthelezi asks for a public apology both in print and online, a reprimand, a caution, a retraction, and a space sanction enabling him to counter the damaging accusations that have been made against members of the Zulu nation.

1.6 He says he seeks the same remedy in publications in which the article was published, including The Witness of 26 July 2021.

2. Sections of the Press Code complained about

Buthelezi 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...”*;
- 5.1: *“The media shall avoid discriminatory or denigratory references to people’s race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, and not refer to such status in a prejudicial or pejorative context – and shall refer to the above only where it is strictly relevant to the matter reported, and if it is in the public interest”*;
- 5.2: *“The media shall balance their right and duty to report and comment on all matters of legitimate public interest against the obligation not to publish material that amounts to propaganda for war, incitement of imminent violence or hate speech – that is, advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm”*;
- 6: *“The media may strongly advocate their own views on controversial topics, provided that they clearly distinguish between fact and opinion, and not misrepresent or suppress or distort relevant facts”*; 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 Buthelezi says the Oxford English Dictionary defines “nationalism” as “identification with one’s own nation and support for its interests, especially to the exclusion or detriment of the interests of other nations”. Accordingly, he complains that Makhanya was apportioning culpability for the violent protests, looting, damage to property and infrastructure, and loss of life, to Zulus, as a specific ethnic group, allegedly motivated by the interests of the Zulu nation. “This is a defamatory and grossly irresponsible accusation. The interests of the Zulu Nation are in no way served by damaging our country’s economy, destroying its infrastructure, creating ungovernability or the killing of citizens.”

4.2 He argues that there is no evidence to support Makhanya’s claim that the civil unrest was caused by Zulus. He submits, “Those who were aggrieved by the incarceration of former President Zuma and who subsequently called for civil disobedience included the former President’s supporters from Mpumalanga and other provinces, who travelled to Nkandla. Clearly not all of those involved were Zulus. Yet Mr Makhanya identifies the culprits as being specifically Zulu, which is a discriminatory reference to ethnicity in a prejudicial context. This advocates hatred, is an incitement to imminent violence and hate speech, and is an incitement to cause harm; which is evidenced by the revenge attacks on, and murder of, Black South Africans in the aftermath of the unrest, on the assumption that they participated in it.”

4.3 Buthelezi concludes that, by blaming a specific ethnic group, Makhanya was channelling this violence towards Zulu-speaking people (in other words, that he had committed hate speech); he poured fuel on the fire when he adds that “Zulu nationalism” has the potential to “derail the nationhood project and the stability of the country”; and he suggested that if action was not taken against the Zulu nation, the entire country would be destabilised.

4.4 He adds that the newspaper has no basis on which to attack the dignity of traditional leaders.

4.5 The prince labels this article as “inflammatory, defamatory and extremely irresponsible” and concludes: “The fact that Mr Makhanya brings the Inkatha Freedom Party into it is an indication that his political and personal bias have motivated his prejudicial attack on Zulu people, and that there is malice in this attack.”

4.6 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.

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

4.8 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.”

4.9 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.

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

4.11 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.”

4.12 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.

4.13 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.

4.14 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.”

4.15 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.

4.16 Buthelezi largely responds that the newspaper did not reply to his specific complaint and that it has offered responses which were irrelevant. The most important example of this, is that Tabane's reply was largely about the IFP, while Buthelezi himself did not involve that party in his complaint (even though he mentioned it once, in passing).

4.17 He adds:

- Makhanya's past is indeed relevant, as "his contravention of section 2.1 of the Press Code is based on his prejudice against Zulu-speaking South Africans due to his misguided belief (which he has often expressed) that the IFP is a Zulu party and that Zulus/the IFP are responsible for the black-on-black violence of the eighties and early nineties in which he was involved on the side of the ANC";
- Regarding the political editor's remarks about former Pres. Jacob Zuma, he says that Tabane in fact affirms the accusation that a specific ethnic group (Zulus), motivated by the interests of the Zulu nation, is responsible for the unrest;
- The claim that Zulu nationalism has the potential to "derail the nationhood project and the stability of the country" is a far-reaching accusation to make in a national newspaper, on the basis of social media posts;
- Tabane's argument is flawed, as not all Zulus are IFP members. Regardless of whether they are members of the IFP, ANC or any other organisation, Makhanya contended that *Zulus* were responsible for the devastation. "That is both discriminatory and prejudicial"; and
- It is inaccurate to state that Zulu South Africans were responsible for the unrest, or that Zulu nationalism has the potential to derail the stability of the country. This remains discriminatory and prejudicial, and is advocacy of hatred and incitement to cause harm on the basis of ethnicity.

4.18 Buthelezi concludes, "I must emphasise that the media may strongly advocate their own opinion, provided that they do not misrepresent, suppress or distort the relevant facts."

5. Analysis

The questions before me are simple: Did the editorial blame Zulus for the unrest? And did it suggest that Zulu nationalism could potentially endanger the county's stability? If so, was the newspaper justified in this regard?

5.1 Did the editorial blame Zulus (or the Zulu nation) for the civil unrest?

5.1.1 The answer to this is a qualified “yes” and “no”.

5.1.2 The statements in dispute are: *“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.”*

5.1.3 These are my considerations:

- The words, “a huge cause” of the unrest (the re-emergence of a dangerous strain of Zulu nationalism) denotes a singular cause (“a”, not “the”), implying that there were other causes as well – this means that Makhanya did not put all the blame for the unrest on Zulu nationalism;
- The word “strain” [of Zulu nationalism] implies that not all Zulus were part of that specific type of nationalism – therefore, Makhanya did not blame the *Zulu nation* for the unrest; and
- It is not in dispute that some (many) Zulus took part in the unrest – stating that fact was therefore material to Makhanya’s argument.

5.1.4 From this, I conclude that Makhanya blamed *some* Zulus for *a part of* the cause (even though he stated this was a “huge cause”). In other words: Some Zulus were involved, but not all; and those who were involved, were not exclusively Zulu. For this, I cannot blame him.

5.1.5 The editor-in-chief may or may not be right in his estimation of the situation – but that is not my concern. This is what Section 7 of the Press Code says about protected comment: *“The media shall be entitled to comment upon or criticise any actions or events of public interest; and 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.”*

5.1.6 I am satisfied that the editor-in-chief had a right to his opinion, and he had the same right to voice that opinion.

5.2 Was it suggested that Zulu nationalism could potentially endanger the county’s stability?

5.2.1 Again, the answer to this question is a qualified “yes” and “no”.

5.2.2 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.

5.2.3 Unfortunately, he did not elaborate on what exactly he meant by this “dangerous strain”. That would indeed have been helpful. Be that as it may, some forms of (any type of) nationalism can be potentially harmful to a country; and besides, Buthelezi does not dispute these words.

5.3 Personal and political considerations

5.3.1 I have noted, and documented, what Buthelezi had said about Makhanya's past. 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.

5.3.2 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.

5.4 Hate speech

5.4.1 The only remaining issue is whether the column had the potential to incite prejudice, unfair discrimination and even violence against Zulu-speaking people (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 (deliberate) *intention* to incite 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 The complaint that the editor suggested that if action was not taken against the Zulu nation, the entire country would be destabilised also does not hold water – Makhanya did not ask for action against the Zulu nation, he was worried about “a dangerous strain” of nationalism *within* the Zulu nation. Even if there is no such a thing (read: if Makhanya is wrong), that still cannot be a transgression of the Press Code – he has a right to his opinion, and equally has a right to voice it.

5.4.6 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.

5.4.7 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