

Shoot the Boer' deal struck
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AfriForum, TAU SA, the ANC and Julius Malema have reached a settlement over the "Shoot the Boer" song, the ruling party said.

The ANC announced on Wednesday that it had dropped its appeal against a court order that effectively bans singing of the struggle song.

ANC lawyer Leslie Mkhabela said the agreement on the song "Dubula Ibhunu" (Shoot the Boer) was signed by the party, civil rights group Afriforum, and agricultural union Tau SA on Tuesday night.

In September last year, the High Court in Johannesburg, sitting at the Equality Court, convicted Malema of hate speech after lobby group AfriForum took him to court for singing the song.

At the time the ANC became an intervening party and defended the song, based on its use in the struggle against the apartheid.

Both Malema and the ANC said that when sung it was not meant literally, although AfriForum differed.

Judge Colin Lamont held the words undermined people's dignity and were discriminatory and harmful.

Malema lost an application in November for leave to appeal directly to the Constitutional Court against the ruling. He filed a notice of appeal with the SCA in December. Lamont granted him leave to appeal.

The Supreme Court of Appeal was due to hear the appeal on Thursday.

The agreement signed on Tuesday night reads: "The parties have agreed that Afriforum and Tau SA will abandon the Equality Court order, and the ANC and (former ANC Youth League president Julius) Malema agree to abandon the appeal to the Supreme Court of Appeal.

"The parties agree that the mediation agreement... shall be made an order of court by the Supreme Court of Appeal."

On Wednesday AfriForum's spokesperson Willie Spies reportedly told the Mail & Guardian that a deal was struck at 8.30pm on Tuesday night after a day-long mediation on Friday.

"The settlement that has been reached provides for three things. Firstly, the ANC acknowledged that certain struggle songs contain lyrics that originate from a specific era in history which today can be hurtful to minority communities. Secondly, the ANC and Malema undertook to encourage and counsel their supporters and members to refrain from singing songs that could contain hurtful phrases. Thirdly, the parties committed to continued informal debate about cultural heritage and freedom," Spies was quoted as saying.

ANC secretary-general Gwede Mantashe said Malema was not available to attend the signing of the agreement because he was writing exams. Mantashe was mandated to sign on his behalf.

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