

# REVIEW OF THE BUTHELEZI COMMISSION

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by David Welsh

This Commission is a heavy-weight document. Aside from its bulk (the two printed volumes total over 900 pages), its contents represent some of the most sophisticated thinking in contemporary South Africa. It is also a rich quarry for up-to-date statistical and other analytical data on virtually all aspects of Kwa-Zulu/Natal, while its attitude surveys provide as comprehensive a profile of the opinions of all colour categories as is possible under present conditions.

As is well known the Commission was established by Chief Buthelezi, perhaps to provide a necessary supplement to the inevitably limited perspectives that were to be offered by the President's Council, which was being initiated at roughly the same time. Comparisons are odious but very necessary: the contrast between the quality of the Buthelezi Commission's work and that of the constitutional committee of the President's Council is quite staggering.

The Buthelezi Commission was carefully composed to give balanced representation of racial, economic, political and other interest groupings in Natal, and in addition, two foreign academics, Heribert Adam and Arend Lijphart, also served. Apparently, the Nationalist Party was also invited to serve on the Commission, but declined, on the grounds that Chief Buthelezi had no right to set up a Commission whose purview went beyond purely homeland considerations. In line with this attitude the Party refused even to give evidence to the commission.

At the other end of the spectrum, as the Commission acknowledges, it was not possible for banned organisations such as the A.N.C. to give evidence.

The terms of reference given to the Commission were detailed and challenging. Briefly it was required to analyse and study possible options for the political, economic, administrative and educational future of Kwa Zulu/Natal. Those very wide terms were tackled by dividing the Commission into five specialist working groups, all of whose reports were published, along with some of their working papers which were accepted by the Commission. The Main Report, which covers nearly 100 pages, represents the synthesized findings of the entire Commission.

For reasons of space and lack of competence to evaluate the other reports I will focus on the report of the political and constitutional sub-committee. Included in this report are four excellent working papers by Heribert Adam, Hermann Giliomee (whose interpretations of current Nationalist thinking must have been invaluable to the Commission), Arend Lijphart and (jointly) Lawrence Schlemmer and Deneys Schreiner.

The key concept in the recommendations is for a consociational democracy to be established in Kwa Zulu/Natal. Adam argues convincingly that, although this is a 'second

best' option for important segments of opinion, it is the only likely contender as a mode of accommodation, short of partition which is rejected. Lijphart, who is the 'father' of modern consociational theory, explores some of the possibilities for its adoption in the region. Consociationalism's critics on the Right have frequently pointed out that virtually all of the conditions isolated by Lijphart himself as favouring a consociational system are absent in South Africa. As Lijphart points out, however, these are only **favourable** conditions, not **necessary** ones.

Critics of the Left have argued that consociationalism is an essentially conservative form of government and, moreover, that its minority veto will make the political process unduly laborious and liable to paralysis. The force of these criticisms cannot be denied, but, as Lijphart points out, what are the realistic alternatives? I, for one, have not heard persuasive arguments as to how simple majoritarianism in a unitary system can support a political democracy in circumstances of deep cleavage. No single such case exists, and where (in a few cases only) reasonably democratic societies have survived they have invariably been consociations, or at least they have had strongly consociational features.

The recommendations of the Buthelezi Commission, however, depart in one major respect from the classic consociational model. In their European context (Belgium, Netherlands, Switzerland and Austria) the salient groupings of the population could be taken as given: they were voluntary groupings which, in principle, individuals could join or leave. South Africa's groups (or, more accurately, categories) are stipulated by Law, and membership is compulsory. Rightly the Commission recognises that statutory grouping is no basis for a political system if it is to have any hope of putting down roots of legitimacy.

A critical aspect of any consociational system is the principle of the minority veto; that is, the right of minority groups (however composed) to block legislative proposals that they regard as inimical to their interests. More than any other device in the consociational system it is this veto which attracts criticism as a built-in conservative bias. Lijphart points out that it should be regarded as a 'kind of emergency brake', but that if it used too frequently it will be a source of deadlock and paralysis in the political process. Elsewhere in his writings he has pointed out that in actual practice in existing consociations the veto has seldom had this effect. Whether a Kwa Zulu/Natal consociational system, or a South African, would enjoy the same degree of mutual forbearance and sophistication of political culture is a moot point.

Lijphart's recommendations to the Commission are that the veto should be employable only by sizeable minorities and that it should be limited to certain fundamental issues. Less fundamental issues could be subject to a suspensive veto. To

cope with the possible problem of deadlock it is suggested that a neutral arbiter or commission of arbitration be established.

While I am basically sympathetic to these recommendations I think the Commission might have devoted more attention to analysing why consociational systems have broken down in Lebanon, Cyprus and Surinam. Moreover, it would have been useful in allaying Black suspicions that this was yet another trick to withhold power from them, to have explored the African political experience to show that consociational principles have, in varying extents, been adopted in some states. Nigeria and Sudan, for example, although by no means full consociations, have significant consociational features. Other writers have remarked upon consociational features in other African party systems as well. It is also worth noting that there are consociational features even in socialist, multi-ethnic systems like the U.S.S.R., Yugoslavia and Czechoslovakia.

The Commission's recommendations amount to an 'intra-regional federation' in Kwa Zulu/Natal, but 'which must also be fitted into the framework of the South African pattern,' and which might provide a model for further adoption in South Africa. Frankly, I am sceptical about whether federation-within-a-prospective-federation is a viable option. For one thing the proposal would mean a cumbersome form of government (as all federations necessarily are) which would complicate any transition to a full South African federation. My feeling is that it would have made more sense to avoid any suggestion of regional federation, but rather to have settled for strong local government within a unitary system. An American scholar, W. H. Riker, has questioned whether federalism, in fact, makes most difference to the actual pattern of government. Frankly I doubt whether it would make much difference if one were considering a relatively decentralised unitary system or a relatively centralised federal system. My preference would have been for the former.

To what extent will the Buthelezi Commission attract criticism for offering recommendations for regional, rather than national adoption? In other words does not the very fact of a regional focus deflect attention from the

national issue and thereby further fragment opposition to separate development?

There could be some force in criticisms along these lines, although at several points the Commission stresses its nation-wide perspective. Much will depend on how the proposals are marketed, which will be no simple task in view of their complexity.

I personally have the feeling that as the complete failure of separate development becomes even more apparent to its sponsors there is some chance that the Nationalists' fall-back position may be to a consideration of regional government somewhere on the spectrum between the proposals offered by Professor Lombard and his colleagues and the Buthelezi Commission.

In the interim much could be done to bring about co-operation between the Kwa Zulu government and the Natal Provincial Council and at the local government level. The immediate obstacle to this is the control of Provincial Council by the N.R.P., whose contribution to the Buthelezi Commission stands as a quaint reminder of their politically antedeluvian nature.

As I have suggested, the Buthelezi Commission's work is of a high intellectual calibre, and stands in dramatic contrast to the pedestrian superficialities offered by the Constitutional Committee of the President's Council. Yet, the leader of the National Party in Natal found it fit to dismiss the Buthelezi Commission's report out of hand (presumably without even having read it?), while the Prime Minister urges calm and dispassionate study of the Constitutional Committee's report!

I have little doubt that if the President's Council members met with their Buthelezi Commission counterparts it would be an important learning experience for them. In its totality the Buthelezi Commission carries with it the stamp of authority and authenticity. Its opinion profiles convey something of the flesh and guts of Black South Africa. By contrast the President's Council's reports suggest a cosy little club of mutual backslappers whose most notable achievement has been completely to cocoon themselves from reality. □

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