

A Critical Analysis of Power-Sharing Arrangements in Deeply Divided Societies: The Case of Iraq.

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Abstract

The Iraqi society following the regime change in 2003 opened a new page of political circumstance for every group of the country, because during Saddam regime only Sunnis had power and marginalized the others. Iraq is a deeply divided society, therefore the new Iraqi system adopted power-sharing and consociational democracy, and this system with new constitution gave guarantee for the Shiite, Sunni, Kurds and the other religious and ethnic groups. This dissertation analyzes the status of power-sharing and observes the implementation of the four main pillars, which are grand coalition, segmental autonomy, proportionality and minority veto, that is framed in the consociational theoretical framework as developed by Arend Lijphart. This research will be conducted Through demonstrating the arguments of the academic experts and practical situation of power-sharing in the Iraqi society. The Primary argument advanced throughout is that the political system of Iraq struggles for genuine constitutional grand coalition system, and minority veto rights, while regarding Autonomy and proportionality the status of the country is seen progressed. [this concluding line does not derive from your primary argument and I suggest you delete it] therefore, the political system is seen as a mixture of consociational and majoritarian principals. At the end of concluding remarks of this paper, its recommended for more study on the problems of Iraqi power-sharing regarding the minority veto and grand coalition, and more efforts needed by the political elites to implement a good example of the power-sharing for the stability and democratization process of Iraqi society.

CHAPTER 1: INTRODUCTION

1.1 Statement of the Problem

In the beginning of the twenty first century after the 11 September incident, that led to the invasion of Afghanistan by U.S. and this was considered as the 'first phase' of U.S plan to change regimes in the Middle East and then Iraq was the next to be changed. In 2003 Iraq was occupied by the U.S and the coalition forces, the ideological factor was a part of the George W Bush's doctrine to come to the middle east and topple Saddam Hussein's regime to spread democracy, when he said in his statement that world will be divided to the good (democratic) and bad (terror) (Bush 2001). Second is the practical factor which is the accusation of Weapons of Mass Destruction WMD possession by Saddam Hussein that was seen as a serious threat against Israel and against the national security of U.S after the 11 September, another aim is accessing to the massive amount of Iraqi oil (Kamrava 2005: 206). Iraq is characterized by the segmental division, it primarily consists of three major groups: Arab Shiite, and Arab Sunnis, and Kurds – and other religious and ethnic minorities such as the Assyrians, Yezidis, Catholics and Sabis. Iraq, since its establishment in 1921, has been ruled by the minority Sunnis until the collapse of the Ba'ath Regime in 2003, and ever since the Shiite groups have become the most powerful, due to the U.S impact over the country, the elites planned to implement democracy and share power with the Kurds and Sunnis.

In spreading democracy, the U.S considered Iraq as a deeply divided society, therefore the constitution makers focused and narrowed down the western democracies and they chose constitutional 'power-sharing' democracy for the country in order not to exclude any segment. During this period from 2004 the Transitional Administration Law have been implemented by 10 member elites of Iraq that were elected by Bush administration and this law continued until the issuance of the official constitution of Iraq that were voted in a referendum (Bremer 2006: 307-308). Since then, many scholars and researchers have observed this type of democracy in Iraq and they assessed its limitations. For instance, John McGarry and Brendan O'Leary have distinguished the two types of power-sharing democracy in the divided societies which are the

‘integrative’ and the ‘consociation’, and they both argue that the ratified constitution of Iraq is considered as consociational democracy (McGarry 2007: 671).

The consociational democracy is mainly developed by professor Arend Lijphart, and his main research concern democracy in the deeply divided societies. In most of his works (1966,1968,1969, 1977, 1984, 1985, 1986, 1994, 1996, 1997, 1998, 1999 2000, 2002, 2004 and 2012) Lijphart focuses on the problem of the majoritarian principles in deeply divided societies, and he prefers the power-sharing (or sometimes called consensus democracy), which this debate (majoritarian versus power-sharing) came from the very basic definition of the democracy. Democracy simply means the government by the people or the representatives of the people, but one more phase is developed by Abraham Lincoln’s definition “democracy is the government not only by the people but for the people”, and this definition refers to the people’s preference (Lijphart 2012: xiv). Lijphart (2002) has defined consociational democracy with reference to four basic characteristics which are grand coalition in the governing body, segmental autonomy for the minority groups, proportional representation for the electoral system and the public institutions and lastly the minority veto for guaranteeing the preservation of the minorities ethnicities (Lijphart 2002:39). In this dissertation, the main four features of consociational democracy will be assessed, the paper also observes the implementation of the four features in the Iraqi society, in order to show a clear circumstance of power-sharing in the country.

1.2 Research Question

This thesis aims to answer few major and minor descriptive questions facing the power sharing topic. Firstly, what are the political and physical problems of the deeply divided societies along religious and ethnic lines? In this regard, the questions emerge concerning the divided societies’ instabilities, why most of the segmented societies face sectarian conflict? Moreover, how conflicts in such societies have been managed? As a number of the European countries have adopted the power-sharing arrangements and created stable societies.

Secondly, the questions regarding power-sharing and consociational democracy: What are the aims of power-sharing? what are the best ways to apply power-sharing? What are the main

types of power-sharing and how they are different, and also which approach can best serve the divided societies? What is the difference between power-sharing and the majoritarian democracies? and in what kind of societies each one of them are convenient?

Thirdly, can the Iraqi constitution be called consociational democracy? What are the limitations of the Iraqi constitutions regarding implementing consociational arrangement?

Consociational democracy in the deeply divided societies depends very much on the way that it is operationalized. In this paper its argued that consociational democracy, as the political system is seen convenient in divided societies, and in order to be effective, it should include all the main four pillars. In the case of Iraq, this paper argues, two pillars are implemented and operationalized which are the proportionality and the autonomy and to this extend Iraq has consociational democracy. As the same time, for the other two pillars which are the grand coalition and the minority veto, its rather seen majoritarian not consociational. Therefore, the democracy in Iraq is a mixture between consociational and majoritarian. For example, regarding the grand coalition, every decision in Iraq is made in the house of the representative based on majority principle and by default is a majoritarian trait. The main argument threaded through this thesis is that, for democracy to take root in Iraq and in order to implement consociational, all the four pillars should be implemented.

1.3 Significance of the paper

Studying the divided societies is critical, because there are ongoing physical and soft tensions due to the ethnic or religious differences, in particular the case of Iraq is relevant. Due to the emergence of ISIS since 2014 and the instability in the country, the sectarian conflicts stepped to a new era, therefore more researches have been written on the sectarian conflicts aiming to address the factors and find the solutions. Most importantly, the case of Iraq is significant because it's an emerging democracy in the region after the regime change in 2003. There has been a growing literature on this question of power-sharing in the ethnically divided societies, Lijphart has dedicated most of his major work on this question and he developed the consociational approach of power-sharing that was a new definition and alternative for democracy in the divided societies, and his work created debate among the scholars. Donald

Horowitz, has published many books and journals on this topic as he is considered as an advocate of integrative approach as an alternative for consociational power-sharing. Brian Barry also have written critics and alternatives for consociationalism. The other great authors in the field of constitutional design or post-conflict contributors such as John McGarry and Brendan O'Leary (2006, 2007, 2009) have also written about Iraq's power-sharing and the consociational. The most important thing about power-sharing is about its two aims, which are creating a stable society and the development of democracy, because mostly there are tensions in the divided societies especially the emerging democracies, and in those societies democracy is seen as very poor such as the case of Iraq. The significance of this research is opening a door for further researches to elaborate why Iraq is not fully consociational? and the other students and researchers can use the findings of the conclusion to tackle the governance issue in the country. The findings may benefit and be recommendations for the political parties and the relevant elites to put them on the tables of discussion.

1.4 Scope and limitations

This research will discuss and examine the power-sharing as both a consensus and consociational type of democracy, and the paper does not discuss the majoritarian democracy in detail because power-sharing theory is an alternative for the majoritarian type in the deeply divided societies. This paper has limitations, when it comes to power-sharing theory as the paper is dedicated to examine consociationalism only and not integrative or the other alternative approaches, because of the feasibility of consociation.

In the case of Iraq, the paper only discusses the period after the regime change in the country since 2003 because before this period it was totalitarian regime, and democracy is emerging in Iraq since they adopted a democratic constitution. This research overall examines the implementation of the four pillars of consociationalism in Iraq, that are grand coalition, autonomy, proportionality and minority veto.

1.5 Methodology and Research Methods

The literature review in this study is used as the theoretical framework, or the conceptual map for the entire paper, this style of research suggested by Alan Bryman (2016), who has

demonstrated that this method of using the literature as a theoretical framework could be an effective way of conducting research in the social sciences (Bryman 2016: 20) Therefore, the rest of this paper will be written under the light of the literature review for using the consociational democracy and its four pillars for measuring its implication in the case study of Iraq.

The nature of this thesis is a qualitative research and the whole paper is a contribution to the literature, the contribution is not theoretical but its empirical. The data collection is made by collecting data only from secondary sources. The secondary sources are mostly the academic books written by the leading scholars and the advocates of the theory of consociationalism such as Arend Lijphart's major books on the theory, and Donald Horowitz and Brendan O'Leary's books. The second types of the secondary books are the academic journal articles and peer reviewed articles. In addition, there are some other sources such as published postgraduate dissertations of the western universities are also used in this paper.

The organization of the paper is a thematic analysis style, which each theme addresses one particular topic of the four pillars of the consociational democracy, and in any chapter the topics will be discussed with providing the views of different scholars. The chapter one is introduction, chapter 2 is the literature review, chapter 3 is Grand coalition and minority veto, chapter 4 is autonomy, chapter 5 is proportionality and chapter 5 is the conclusion. In addition, in each one of the mentioned chapters in this paper, the critics and reactions will be addressed and also their implications in the case of Iraq.

The case of Iraq has been chosen as the case study, because Iraq is seen as a critical case, which is an emerging democracy, there are ongoing sectarian conflicts, and every turn-off the government formations last for a long period of time, it is a four-year term, and Iraq has practiced power-sharing arrangements.

1.6 Operationalization definitions

The main concepts and theories that are used in this thesis are 'deeply divided societies' and 'power-sharing democracy'. First, the deeply divided society is defined as the society of the people, which violence and tensions does not let them to be united and always keeps the

division, and this division is due to their difference in terms of ethnicity, religion or sectarian identities (Rawls 1996:134). In this dissertation the term ‘deeply divided society’, refers to those societies that are different in terms of the composition of their culture, sects, ethnicity or religion, and Guelke mentions that the violence or the threats makes the society continue divided (Guelke 2012:2). This paper aims to examine the quality of their constitutional design experiences such as Iraq, Lebanon, Belgium, Switzerland, Netherland, India and Austria.

Democracy as a concept has two main types which are majoritarian democracy and power-sharing democracy. The majoritarian democracy is the rule of the majority in the homogeneous societies such as the United States with its two-party system, one party is the majority of governing the society and the other party is in the opposition. Robert Dahl defined as the classical Athenian democracy, and he calls it “full procedural democracy” (Dahl 1989: 222). The second type which is the consensual, or power-sharing or also called the consociational democracy, that avoids acquisition of power in the hand of one particular group of majority but to include every group in the government body (Lijphart 1977a:6).

1.7 Chapter breakdown

The main chapters of this research are dedicated to answer the main research questions, regarding the power-sharing arrangements in the deeply divided societies and in order to conclude its empirical implications, such as in the case of Iraq. The current chapter includes the introduction and the main research questions that raised regarding the problems of the divided societies, and the significance of this paper to show why this topic matters a lot. This chapter also includes the methodology to answer these questions and the data collection methods. With the cope of limitations that show the frame of working in this paper. Chapter 2, reviews the literature on the consociational and power-sharing democracy and also its debate over the four pillars, because there are many counter arguments for each one of the pillars. The literature contains the examples of the countries that adopted power-sharing and it shows advantages and disadvantages of its implications in those cases. Moreover, the literature review is used as a theoretical framework and as a conceptual map for the rest of the paper. Chapter 3 analyzes the grand coalition pillar as a form of executive body that is one of the main pillars of

power-sharing and also analyzes its embodiment in the Iraqi government. This chapter 3 also discusses minority veto mechanism to save the rights of the minority groups in divided societies and also discusses its implications in the case of Iraq. Chapter 4, addresses the discussion on the segmental autonomy with its two different types of territorial (Federalism), and non- territorial autonomies, and also the chapter discusses its reflecting in the case of Iraq. Chapter 5 discusses the proportionality and the proportional representation (PR) as the method for the electoral system in the deeply divided societies which includes voting system and the election procedures. Regarding proportionality, its observing the representation of the minority groups in the public offices and the allocation of the public fund, and also evaluate that to what extend its applied in the case of Iraq. Lastly, chapter 6 is the conclusion that sum up all previous chapters, and concludes explain and discusses the findings of each chapter. Moreover, the conclusion chapter also shows the result of discussions about power-sharing in Iraq and then also shows the main arguments. Lastly, it will provide recommendations for the Iraqi problems and further researches on this topic.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter reviews the literature on the discussion on power-sharing systems in the divided societies, which is a prominent model to solve problems of power possession in such societies. This review is an attempt to show the understanding of the advocates of power-sharing model and consociationalism in particular such as Lijphart, and then the debate throughout literature with providing the critics of some contributors such as Brian Barry and Donald Horowitz, that have different views with Lijphart and they also have alternatives mechanisms for consociationalism democracy.

The chapter provides answers for each critics to support the power-sharing model. Power-sharing democracy is a work that has mostly discussed by Arend Lijphart (1969, 1977a, 1977b) and he has defined power-sharing as:

"a set of principles which, when carried out through practices and institutions, provide each significant group in a society with representation and decision-making capacities in general affairs and a degree of autonomy on matters of particular importance to their group" (Lijphart 1977a).

In the established literature, the study of power sharing is also called the 'constitutional engineering studies', which is used by the theorists aim to establish institutional outline to stand against the majoritarian model of democracy in the divided societies. Throughout history in most cases the ethnic conflicts have been resolved by the force of a non-democratic exercise by controlling the groups, for instance Iraq. Moreover, practicing democracy in divided societies is challenging for some scholars, however for some others, democratic practices also provide a greater nonviolent conflict management than the nondemocratic practices (Sisk 1996: ix). Power-sharing theory obliges the groups that previously had been involved in long term antagonism and discrimination in a way to establish a stable society that is also just with a fair level of democracy. Though institutionally, power-sharing arrangements have many different types and the elites of such plural and multi-ethnic societies are supposed to work

institutionally in order to stand against the majoritarian system and write procedures to share power.

2.2 Dictatorship of the majority

All different models of power-sharing have a mutual acknowledgement of the control and the dangers of simple majoritarian democracy in the deeply divided societies, and they all encourage advantages of political engineering in a way to introduce a more inclusive government system that erode political conflicts. That is because simple majoritarian democracy in divided societies creates tensions, which the majority of the population tends to force their number in a way to exploit the minorities in taking power and they are afraid of the majority electoral model. While power-sharing is seen as a non-majoritarian method, at the same time it is not an anti-majoritarian, as Arend Lijphart details:

“In fact, however, power-sharing does not deviate much from the basic principle of majority rule. It agrees with that fundamental premise that majority rule is superior to minority rule, but it accepts majority rule as a minimum requirement: instead of being satisfied with narrow decision-making majorities, it seeks to maximize the size of these majorities. The real contrast is not so much between majoritarian and non-majoritarian but the between bare-majority and broad majority models of democracy” (Lijphart 2008: 12).

The majoritarian system will be a tyranny type of democracy in the deeply divided societies, because it's excludes the minority groups and tendencies to abandon them in the political representation. In literature, after the World War II, when the system of colonialization collapsed the colony countries were used to implement the same system of their previous colonial powers, which they were the majoritarian type of democracy (Lijphart 2004). This perception escalates and reflect in the electoral period, when the major groups win and they have ultimate access to the power practice and guaranteeing the protection of rights and abuse the rights of the minor groups.

The idea of power sharing is to provide a fair solution to mediate the fear of the minority and also to provide a guarantee for the preservation of the minority rights and their ability to

participate in the power of decision making. However, power-sharing is not the main and unique solution for the management of multi-ethnic societies, as for instance during the Ottoman Empire, while the majority of the population was Muslim and there were minorities of the non-Muslims, but they had practiced the principles of self-determination, autonomy and self-management as explained by Milton Esman (Esman 1986: 398-418).

2.3 Power sharing agreements in deeply divided societies:

As previously have been mentioned there are two main objectives in power sharing, first, to found sustainable peace, and second, to promote the growth of democracy in the deeply divided societies –due to the fact that such societies were usually used to be stabilized by non-democratic rules such as Iraq during Saddam regime. Thus, there are two analytical perspectives for power-sharing, one is the classical perspective that reflects discussing the power sharing in the democratic theory for the ethnic divided societies, and the other focuses on power sharing and mechanisms of conflict management.

It is John Stuart Mill's view that "democracy is next to impossible in the multiethnic societies and completely impossible in the linguistically divided countries" (Mill 1958) to this argument, Arend Lijphart in his article about *The puzzle of Indian democracy*, responds by arguing that, democracy can be possible in the deeply divided societies, when the model of that democracy is consociational. Lijphart explains, that consociational democracy means a political system characterized by existence of four specific principles namely: grand coalition, cultural autonomy, proportionality and the mutual veto right in order to preserve the rights of all different ethnic groups (Lijphart 1996: 258-268). Firstly, grand coalition, Lijphart holds that it can have different forms as the modal form is exhibited in Netherland, South-Africa, Malaysia and Austrian and all of these cases are composing of different ethnic, linguistic and religious groups. Based on this principle the government cabinet can include all parties or they can have a form of representative body that include the parties' members. Secondly, cultural autonomy, for the different religious and ethnic groups, for instance, establishing a federal linguistic autonomy such as in Switzerland, Belgium and Czechoslovakia. The distinct religious and linguistic groups have right to run their own special school with the government fund such as in Netherland.

Moreover, different 'personal law' regarding inheritance, divorce, marriage adoption and abortion of children for minority groups such as in Lebanon. (Lijphart 1996: 258-268). Thirdly, proportionality in the power-sharing system is proportional representative (PR), according to Lijphart other majoritarian electoral systems have leanings to discriminate the minorities in possessing the parliament seats. Fourthly, the last principal is veto of the minority, it mostly includes informal consideration that minority groups can preserve themselves by blocking any law or decision against their rights.

It is Lijphart's view that there are some features of power sharing model, for instance, a decentralized government which the autonomous regions practice a type of independence and also the minorities in most of the positions of the government, and take a proportion such as in the civil service and in police forces. (Lijphart and Crepaz 1991:235-246). In addition, incongruent bicameral system in a way that makes hard for one political party to win in the both chambers, that one of them is for national interests and the second is for local interests. Lijphart has also recommended that in any society the four principals are need to be adopted according to the needs of that society. In Lijphart's view, the preferred system that is convenient with consociational model is not presidential but its parliamentary and also the existence of proportional electoral system (Lijphart 1977: 34). In addition, he sees federalism as a successful system when the society is geographically divided for the different ethnic, religious or linguistic groups. For Lijphart segmental autonomy is necessary in all cases when there are different groups in any society in order to have a good level of coexistence, because each group think of its liberty of practicing norms, beliefs and languages. Moreover, when the different groups territorially divided, For Lijphart federalism is the best choice, because each group should administer its schools and institutions.

For some of the theorists, power-sharing model has gone to different direction which is to be used as a mechanism for conflict management. For O'flynn (2007), power sharing has been used first as an institutional solution for the practice of democracy, it has been used for conflict resolution and also it has been put into institutions in different societies (Horowitz 2005:3). These theorists further argue that, power-sharing has been transited from conflict management to conflict resolution, thus it creates spaces for the extremists to perpetuate, because

power-sharing is not a tool to solve the conflicts but rather a way to manage the groups to practice their existence, therefore its rather used as a post-conflict arrangement. On a similar vein, Carl Levan (2011) counts three points of analysis on practicing power-sharing; one is its origin that is too constitutional, second practically its function is post-war scenario that has few state interventions, and lastly its time horizon that there are few short- term benefits and long-term costs (Levan 2011:31-35). These three terms tell us that power-sharing should be implemented very carefully because this theory is mostly working on the constitution arrangement and many more steps are needed in practice, and the tensions should be overcome then power-sharing will work to manage the difference between the different groups.

2.4 Critics of Power-Sharing

In the established literature, there are critics against Arend Lijphart's power-sharing model to mediate conflicts of ethnically divided society. One of the main critics against power-sharing is the perspective which sees this model as not democratic, as it argues that a grand coalition system (which is the executive body) does not leave space for opposition. Their excuse for this argument is that those systems are unable to have the 'turn over' test for the process of democracy. In the theorist's view such as Huntington, this turn over test is fundamental to check the stability of a democracy, when there is no opposition to check and balance the government activities, then the conception of democracy will disappear and makes difficult for that system to call it democratic. (Huntington 1988:3). In response for this critics Lijphart (2002) points out that, it is a narrow definition to understand democracy only from the majoritarian perspective (Lijphart 2002:45). He further clarifies that the notion of democracy is very wide and majoritarian perspective is not fit enough for all different societies especially the ethnic and religious divided societies. He is not against majoritarian system, but he mentions that democracy must not be established base on the principles of exclusion and this is what majoritarian does.

The second critic is about the process of decision making which is slow in power sharing models because meetings will take time to be held and it makes difficult for the leaders meet for any urgent decision. The critics claims that this slowness in decision making is an issue and it may

turn to immobilize and deadlock and stops the political process. When the society stops it further will be a big problem for democracy. For supporting this argument, the critics bring the instances of the failure of power-sharing regarding deadlock in the cases of Lebanon 1975. The civil war of Lebanon during 1975-1976 failed the state and Lebanon should not be considered as a sovereign state, because the state has power over the most of its territory and also over its all people (Kilrot 1987:54). The civil war of Lebanon divided the country, which the Muslim Shia groups fought against the Sunnis and also against the Christian Maronites, and the Sunnis were fighting the Christians, and all tensions were due to the representation in the political process, and this is considered as the failure of power-sharing. In the case of Cyprus 1963, Baier-Allen claims, all efforts to reconcile the country including the negotiations of UN only resulted in signing two agreements for bi-communal federation between Turkey and Greek, but the *de facto* shows a failure for power-sharing (Baier-Allen 2004:77). Another example of the critics against power-sharing is the case of British Government's disability to solve the case of North Ireland by power-sharing model. To respond to such critics Lijphart brings the other cases of power-sharing typology in the case of the other countries mostly the European countries as they were successful cases. The successful examples that Lijphart (1977) mentions include the cases of Netherlands 1917-1967, Belgium since 1970, Austria, Lebanon from 1943 to 1975, Luxembourg, Switzerland 1943, Nigeria. Lijphart (1977), also discussed the other "successful cases", such as Malaysia 1955-1969, Netherlands Antilles 1950-1985, Burundi, Cyprus and Northern Ireland. Moreover, in this regard of the successful cases that have principals of power-sharing democracy Lijphart argues that there are two other cases as 'semi-consociation' systems: Canada and Israel (Lijphart 1977a:6). The examples are much more than the above mentioned, and there are other cases Lijphart calls controversial cases such as Colombia 1958-1974, India from 1947 and South Africa since 1994, in these cases there are many different ethnic, sectarian, religious groups and this complexity makes power-sharing practice more difficult. Regarding the case of Lebanon Lijphart argues, it's on the contrary, when it is analyzed, it can be observed that the power-sharing has more strengths than the weaknesses, as power-sharing worked quite well in that country in the period from 1943 to 1975, and the civil war happened in that year. Furthermore, to Lijphart, Lebanon's case did not fail due to the

system of power-sharing, but the problem was caused by external factor. Since, Lebanon's status in the international political arena and more particularly in the Middle East issues, that Syria, Palestine and the Israel intervened, and the war in 1975 was not because of Lebanon rather it was an international conflict happened on Lebanon's land. however, Lebanon's power-sharing had some weaknesses such as difficulty in the elite cooperation and they were not intended to meet, and they did not try to refine these problems but rather they were changed to majoritarian model. While the Muslim population had the majority, the Maronite Christians were stepped to have more representation in the government and the important political offices such as the presidency and this was not accepted by the majority of the population. Their power-sharing system in Lebanon was supposed to be improved especially regarding the ratio of the representation, because in Lebanon it was too complicated to determine this fixed ratio that was 6:5 (Christian: Muslim), they did not refine, and this was one of the problems of consociational in the country (Lijphart 2007:73). But instead of improving the consociational system, rather they removed the system, while Lijphart argues most of the Lebanon's population agreed on power-sharing and changing to majoritarian was not considered as an accurate option.

2.3 Alternative Institutional Arrangements

Another perspective is associated with the works of Donald Horowitz and Benjamin Reilly (2001) introducing the idea of *Integrative* which is a distinct form of power-sharing, by which they rebut the consociation form as they argue that there are lots of cases that consociational form had bad impacts. They both claim that if the groups are separate and antagonistic units, by institutionalizing them, consociation model makes the division wider and the antagonistic groups deepen the tensions (Horowitz 2001:92). Horowitz claims the model of consociational power-sharing tends to restrict incentives for compromise, and for him, this is the crucial point to accommodation. He further argues that the incentive for compromise is too important and without this it leads to the dissolution of the coalition that has been created.

As an alternative Reilly and Horowitz (2001) argue that there is a need for greater integrative in the level of the politicians (the elite) between different antagonistic ethnic groups and a more

widely the integration among the whole society. Additionally, they both clarify that instead of establishing a consociational power-sharing institution that winners of the election should work together, they should have incentives for compromise in order to reach a more sustainable democracy, and through rewarding process the political process can progress. However, after demonstrating the previous explanation of Horowitz's alternative integrative for the separatist consociationalism, Ian O'flynn and David Russel (2005) claim that integrative proposal remains ideal. In addition, as Ian O'flynn and David Russel claim "we recognize that in certain contexts, power-sharing model like consociationalism that advocate separation may actually be the more feasible option" (Horowitz 2005: 5). For example, in some cases such as Kosovo, Kashmir, and Sudan which the groups are so extremely divided and there are recent bloody memories, thus separation would be the most possible institutional choice. Lastly Donald Horowitz (1992) proposed another electoral mechanism for voting which is the 'Alternative Vote', and that is to choose moderate representatives by the people (Horowitz 1992: 188-203). If this method will be applied in the case of government council of Iraq, there will be an entity that include the majority portion of the Shiite partition, with a pre-condition these representatives should be also loyal for the interests of the Sunni, the Kurds and the other minorities. In response, Lijphart rejects this model by claiming that, it is difficult to conceive the future and there is no guarantee the Kurds and the Sunni groups will be satisfying with this type of moderate representation. (Lijphart 2012: 227). Lijphart also adds that practically there is no prominent tangible case for alternative vote model in divided societies, despite the case of Fijian constitution that lasted only for one year from 1999 and captured in 2000. The electoral criteria for Lijphart is proportional representative (PR) and he sees this model as a simple and feasible option.

Another critiques against the structure of the power sharing system of Lijphart, is advanced by Brian Barry (1975) as a proposal he suggests 'cooperation without cooptation' in the example of Northern Ireland, that both models of majority and minority work reasonably (Barry 1975: 506). For Barry, as an alternative there is a possibility of cooperation in any society without Lijphart's model of integration of both sides. In the case of Ireland, the majority of the population, the protestant Christians, remain in power forever and the minority rule of the Catholic people act as a loyal opposition to the government. Moreover, to apply the case of Iraq, Barry's solution

would suggest that in the council of ministries possible to be ruled by the majority of the Shiite groups and the other groups of the Sunni groups and the Kurds play as a loyal opposition. To Barry

's, recommendation Lijphart responds by arguing that it is not- and has never been- a practical alternative for the power sharing, because it's too naïve to believe that the minority would accept to remain as a loyal opposition permanently and it's not a quite reasonable solution (Lijphart 1969: 3). Moreover, Lijphart calls Barry's recommendation as a "primitive solution" and this cannot end the ethnic division and could lead to the most extreme conflicts.

2.5 Conclusion

This chapter reviewed the literature and showed a broad explanation of the power-sharing model in the field of comparative politics, with providing the understanding of Arend Lijphart. This paper shed light on the cases of some countries that adopted power-sharing as a democratic model, and these cases have been covered by the scholars. Moreover, in this review also the critics of scholars such as Horowitz and Barry were addressed, as they have different arguments in the field of power-sharing and they have alternatives for the consociational approach. In each part of the critics and alternatives, this paper however brought responses and explanations by the advocates of the consociation approach. This thesis will be considering the consociation model as the functional model in deeply divided societies and therefore the upcoming chapters will be dedicated to an in-depth discussion and analysis on consociation, in particular the four primary principles proposed by Lijphart.

CHAPTER 3: GRAND COALITION AND MINORITY VETO

3.1 Introduction

In the early beginning of this dissertations its mentioned in the literature review that power-sharing, for Lijphart (1969), has four main characteristics, the grand coalition, however, is prior to the other characterizes. That is, in his paper in 1969 about the power-sharing political systems, Arend Lijphart provided his formula of consociational democracy by referring to one of the key characteristics which is grand coalition in the executive body as a very crucial and necessary pillar for segmented societies.

First, grand coalition is to create a government that consists of two or more main political parties by a parliamentary system and to create a united coalition while they are opposing in culture, ideology or religion (Harrop 1982: 330). Grand coalition in Lijphart's words is the

“most typical and obvious, but not the only possible, consociational solution for a fragmented system.” (Lijphart 1969).

Second, Minority veto or sometimes called (mutual veto) is defined as the rights of the minority groups in the power-sharing system, which they can practice their cultures and can blockade any attempt to erode their presence, and this veto should be determined in the constitution. For Arend Lijphart minority veto is ranked as the secondary in term of importance in the consociational model of democracy. This right is correlated to the grand coalition principle, that is because when the groups have representatives in the executive council, the vote will be a guarantee for the minorities and helps their rights to be protected. Therefore, the best representation of the minorities in the government will guarantee and having segment preservations, and also outcomes in the better cultural practice and the groups identities. According to Lijphart (1996), the veto principle works very well if it is not used very often, this means that frequent useage of the veto will blockade or freezes the decision process of the society. The implication of this right is in a way that can be used as an absolute or suspensive, thus it can be taken against all the decisions or one particular decision, especially in the sensitive cases such as culture and education.

This chapter discusses grand coalition and minority veto as the two principles of a consociational power sharing democracy. The chapter also address the critics to both of the terms, and also the replies to the critics. Moreover, the chapter makes reference to the case study of Iraq to further elaborate the implication of these two principles.

3.2 Grand Coalition

There are many different types of the so called 'cartel of the elites,' the Austrian case is the most inclusive type, which is a parliamentary republic, and the government is a coalition cabinet. In addition, the smaller institutions of the Coalition Committee that are representatives of the highest catholic and the socialist parties' leaders took seats, can make the most critical and important decisions that are related to the interest of the entire population.

In addition, there are different other forms can be seen in the other consociational democratic European systems of Netherland, which the government cabinet is ruled by a broad consensus on the critical issues which the government cabinet includes the king and the ministers and includes all the major parties of the Catholics, socialists, Protestants and the liberals (McGarry and O'Leary 2013:1-40).

Furthermore, also in the non-European countries such as Lebanon cartel of elites is existing which Lebanon is a semi-presidential parliamentary democratic republic. Even in the case of Uruguay that has a presidential government, but with a government council based on partisan formation and there all important decisions are made. Moreover, in the case of Swiss, this system idea of coalition, all the four political parties represent in the multi-member government, while they have a mixture of presidential and parliamentary system. It's an important point to mention grand coalition is not a concrete and restrict type of cartel. hence, Dahrendorf further explains that in the consociational characterized model, there is no such particular concrete system for the divided societies, but rather it can take variety of formulas by the elites aiming to stabilize the society. therefore, the name is not necessarily only to be called grand coalition but it can also be named differently as for instance universal participation or as Ralf Dahrendorf called the 'Cartel of the elites' (Dahrendorf: 1967:276). For example, the cases of Colombia and Lebanon are distinct due to the system of semi-presidential. In their

systems instead of only one person to fill the position, such as in Lebanon they have the Lebanese National Pact of 1943 a Maronite will be the president of the country and a Sunni will be the president of the council, by this way it guarantees the genuine representation of the both groups.

The system that can adopt this form of democracy should be parliamentary system, while there are some overestimations about the danger of majority support for the cabinet formation to exploit the minorities, but in reality, the most democratic countries are those who are the parliamentary systems (Lijphart 2007:80). In addition, for the sake of weakening this risk of using majority legislative for interest of one group, for instance, Germany has put in the constitution of 1949 that the legislator can dismiss the prime-minister only when a new prime-minister elected. In this system which the advocates of power-sharing pay attention, it's an attempt to end the group competition in multi-ethnic societies, while different cleavages are represented in the council and the minorities will be kept out. Arend Lijphart regards grand coalition as the 'primary instrument' of the consociational democracy (also called 'elite cartel') in the plural societies, that all the political parties' elites get together in forming the government (Lijphart 1977: 25). Lijphart insists on this elite level gathering, because the idea of consensus at the mass level seems too difficult, therefore its easier for the elites to get together and decide on the significant matters.

Returning to the important point regarding the grand coalition that work sufficiently in the parliamentary systems rather than the presidential systems, that is because concentrating political decisions in the hand of one person and this creates problem of controlling power for the system of grand coalition. For instance, Lijphart argues that the successful examples of Grand coalition in the consociational systems of Austria, Netherland, and Belgium they are all parliamentary systems (Lijphart 1977: 34). In addition, in Switzerland the federal council is elected by the parliament and the seven councilors run for four years and they will not be obliged to resign. The Iraqi Government is a parliamentary system, it could be assumed, therefore that, it is more likely for grand coalition in Iraq, the next section discusses this line of argument.

Grand Coalition in Iraq

After the fall of Saddam regime in 2003, the U.S. forces were ruling the country until the establishing of the law of administration for the transition period in Iraq. that law was called the Transitional Administrative Law (TAL), that has been signed in 2004 by Iraqi governing council when the state received from the U.S ministry of defense and this rule lasted until 2006 when new government created and voted for permanent constitution. The committee that ruled during this transition period included 10 member supra-elites of the main important figures of Iraq and these were elected by Bush administration and received guidance from UN personnel (Bremer 2006:307). The law was a guideline to continue until the formation of new system, as in that law Article 2 mentioned the date of the election should be no longer than 2005, and also they could write constitution draft and will be voted on in a referendum.

The debate over choosing the right and the proper constitution was emerged in order to prepare a draft that could guarantee the rights and freedoms of all the segments, as each political actor raised their demands (ICG Middle East Report 2003). The draft needed the majority votes of the people, subsequently it received 79 percent of support and the 'no' vote were primarily concentrated in two Sunni populated provinces Anbar and Ninawa.

The main issue of Iraq's political formation was the creation of the executive body. As of the constitution of Iraq determined that the President of the country has to nominate the largest representative fraction in the parliament to create the government (Iraqi Permanent Constitution 2005 the Article 76 (1)). Moreover, the same article reads that the government needs the vote of the outright majority of the members of the parliament. The issue was that those two establishments of governing council and representative council are not power-sharing or (consociational) in nature for the reason that first, as Ab Utaif claims this weakens the bargain between the elites to choose the prime minister, because this Article automatically allows the head of the majority representative to be the prime minister (Ab Utaif 2015:6). Secondly, the wining of the majority of the votes in a parliamentary system by a specific segment is a setback for the segmented societies such as Iraq, due to the fact that the

largest political party can create a coalition government with its other minor preferred groups and they can ignore the other major groups. Therefore, excluding the other major groups leads to the complaints and discrimination and the violence will be the possible outcomes in the future of the political systems for expanding sharing power.

Iraq's governing council is formed by the coalition to include all the segments of the country, and it has been allocated according to the proportionality principle but the prominent problem of this formation is that is not constitutionally regulated. For instance, Zaid Al-Ali in his book *The Struggle for the Iraq's Future* referred to this issue and mentions that the constitution does not clearly mention the procedures of regulating the governing body, and it's unclear what is the minimum number of the ministries that legalize the meetings and the constitution has not determined the authorities of the prime minister (Al Ali 2014: 134). Moreover, the constitution lacks an article to specify the quorum required for the official meetings and a law that require the majority especially for deciding on sensitive and the critical matters concerning all segments of the Iraqi society. Consequently, this vacuum in the constitution erode the main notion of grand coalition, and the meetings and the decisions can be made through manipulating majority.

The consociational form of democracy to be successful needs the direct and clear instruction of the executive body actions. In Belgium case for instance, the constitution has regulated the proportion representation of the different groups in the executive body, and the constitution guarantees the representation of all segments, and this gives a balanced number of seats for the Walloons and the Flemishes (Art 99). Moreover, in the case of Lebanon, the constitution has determined the quorum of the governing council members to attend in order to legalize the meeting which is two third majorities, and in this way the majority manipulating will not be easy.

Nevertheless, in the case of Iraq, the informal agreements between the segments has satisfied the groups for creating coalition since 2005, the prime minister for the Shiites, the head of the

parliament for the Sunni, and the president for the Kurds. Saad Jawad (2013) argues that the main issue of the instability in Iraq is due to the ill drafted constitution that did not clearly determine the authorities and the proportion of all segments – e.g. the prime minister of the country has ultimate power and mostly used to marginalize the Kurds. He further extends his view mentioning that in the elections of 2010 the Alawi political party has won the election but could not form the government because of the ambiguity in the constitution that did not demonstrate clearly, whether the winner political party can form the government or the coalition (Jawad 2013: 21). To sum up, the grand coalition is the main principle of power-sharing, while in Iraq its practically implemented by an agreement among the main groups, but it's not constitutionally regulated and this with the other issues that has been mentioned above could lead to political instability in case of the absence of an agreement among such groups.

Addressing critics against Grand Coalition

This section addresses the critics leveled against the power-sharing model, regarding the normative approach of the theory; how the theory creates problem for the stability of the society, however Arend Lijphart has addressed all the critics to, and the disadvantages of consociational democracy. To start with, the critics against consociational democracy are mainly in the executive body of the system which it is the idea of grand coalition, and the problem of this grand coalition is that it does not take turnover with the presence of the opposition outside the government (Lawson 1993: 192-3). Moreover, it's also believed that this grand coalition is a failure for the turnover and the second turn over to check the stability of the democratic system, whether it is stable or in fragile. Regarding this view, Huntington (1991) holds that two turnovers is a test to identify, when in one election the party in the power loses, to transfer the authority to the winner, this is a guarantee in the future elections that the winner surrenders and delivers power the other new winner (Huntington 1991: 266–7). In response, Arend Lijphart in his article *The Wave of Power-Sharing Democracy* rejects this definition, contending that his understating of democracy to be too narrow understanding, and that is a majoritarian conception of democracy and it works mostly in the most homogenous societies, while

democracy is too broad and it includes many other potentials of multi-party system for the divided societies (Lijphart 2002 :37).

Another set of critics are leveled against the decision-making processes in the executive body of power-sharing (consociational) system. One of the critics is that, in a majority rule government decision will be faster, especially in the accidental cases. It is harder for different groups and diverse cleavages to get together and all to be persuaded. Lijphart responds to that by arguing that majoritarian governments may be able to make decisions faster than consensual governments, but fast decisions are not necessarily wise decisions (Lijphart 2012: 257). Another related critic on the decision-making process in the power-sharing system, that is challenging and sometimes leads to deadlock, which in consequently destruct the whole democratic process. In that regard, most of the critics mention the failure of power-sharing in the cases of Lebanon in 1975, and Cyprus in 1963 - and also the case of Northern Ireland and the challenge to resolve the problems by Britain until 1991. Lijphart, on the other hand, draws our attentions to the other successful cases of power-sharing in the divided societies by mentioning the case of European countries, Belgium (year), and Malaysia 1955-69, and also in Lebanon worked from 1943 to 1977 and then the two cases of deeply divided religious and cleavages societies of Austria 1945-66 and Netherland Antilles 1950-85. There are other cases that Lijphart calls them power-sharing such as Colombia 1958-74, India since 1947, and South Africa from 1994, Czechs-Slovakia adopted power-sharing from 1989 until its division in 1993. Throughout 1999, two new power-sharing structures were established in Fiji where nonetheless, it destroyed in 2000 and in Northern Ireland (Lijphart 2002: 41-42). Moreover, the cases of Lebanon and Cyprus when they are analyzed, Lijphart mentions they have more strength points than weaknesses. In the case of Lebanon (as mentioned earlier in the literature), first; while the civil war destroyed the system, prior to that the power-sharing was adopted during 1945 to 1975 functioned successfully which the country is divided. Secondly, the fault is not by the internal factor of power-sharing, but it is caused by the status of Lebanon in the international Politics of the Middle East, such as its relation with the involvements of Israel, Palestine and Syria. Thus, the civil war of 1975 was not a genuine internal civil war, but a regional or global war happened

on the Lebanon land. The third point is from the creation of the power-sharing system in Lebanon that has some problematic points. The Muslim population was gradually increasing; however, the best and most important government offices were taken by (particularly the presidency) were forever allocated to the Maronite Christians. In the Taif Accord of 1989 altered the 6:5 ratios for the parliamentary system preferring the Christians representation with the Muslims, in result it balanced the power of the Maronite Christian president to the Muslim prime minister. According to Lijphart the “power-sharing system needed to be repaired and improved rather than replaced” (Lijphart 2002:42). Because the power-sharing of Lebanon had minor problems that did not need changing the entire system, but rather technical problems are repairable.

3.3 Minority Veto

The word is derived from Latin ‘veto’, meaning ‘I forbid’, this indicates the ability to stop or suspend a law proposal or decision. In deeply divided societies that have different religious and cultural groups, the veto right is defined as the ‘ultimate weapon’, because this veto right could safe guard minorities against decisions and laws benefiting them, and it could provide an effective guarantee that such benefits should not be overruled by the majority votes (Lijphart 1990: 495). This feature in the power-sharing system is a part of the process of sharing power among all the groups of the societies, especially the majorities should not dominate all the sectors of the government and distribute the power and the minorities represent their existence and lastly, they avoid any attempt against their identities, therefore, for Lijphart grand coalition is completed with the other features; proportionality, autonomy and minority veto. The participation of the minority groups in the grand coalition provides a significant protection for the minority groups, but not the complete protection. In the grand coalition the decisions should be made, and the availability of the minorities also gives them a chance and guarantee that any decision against their right to veto and stop.

Minority Veto in Iraq

The earlier section stated that minority veto (or Mutual Veto) is correlated with the principal of grand coalition, the guarantee of the minority presence in the executive body alone is not satisfying for the minor groups, what is needed is the ability to block any attempt to erode their cultural or religious existence. While the constitution of Iraq (and some crucial principals as demonstrated in the other parts) follows Lijphart's recommendations for consociational democracy, however, minority veto needs to be improved, as it has not worked sufficiently. Hence, in Iraq, despite the practice of informal grand coalition (but not constitutional), yet it cannot be called an effective grand coalition because it's not appropriately coined with the notion of mutual veto that will be explained in the following paragraphs.

In the constitution of Iraq there are challenges for the minorities, as in the Article of 61 section C, of the contemporary constitution, it is mentioned that this draft needs the majority of the votes in the whole country to support it in order to succeed. Moreover, the draft should not be rejected by the two thirds of the people in two or three province (Iraqi Permanent constitution article 61). Thus, there were opened door for any cleavage or religious groups to reject the draft and deny its content. In Result, the Shiite and the Kurds majorities voted for the draft and in some Sunni provinces denied (Al-Ali 2014: 90). The 97% of Anbar and 82% of the of Salahaddin that are the Sunni provinces and also the 55% of Mosul also rejected the constitution (CNN 2005). Therefore, the NO vote of the majority of the Sunni groups in the Sunni provinces is considered as a minority veto to reject the will of the majority of Iraq, but this counterclaim never listened, while the Sunnis are the one of the major segments in the Iraqi society. It's worth mentioning, deliberate number of the population in the Shia areas also rejected the constitution, such as in Kirkuk 37%, Baghdad the 22% and Diyala 48% all voted no (BBC, 2005). This veto expression by the Sunni minorities demonstrate the willing of the Shia majority to reject the minority rights and to proceed with the political process and disregarding the Sunni groups' demands.

There are numbers of ethnic and religious minorities in Iraq such as the Turkmen, Christians, Assyrian, Armenian, Baha's, Feylis, Kakais, Shabaks and Yezidis. Those groups, since 2003, have faced massacres, cultural and religious threatens. For instance, since 2003 more than 40 churches have been destroyed, and on different occasions hundreds of explosions and personal

suicides killed many Christians and other minorities. On political participation and the formation of Iraq, the Sunnis have been marginalized such as expelling a large number of the Sunni armies in the beginning (Jaboori 2013). In addition, the attack of the Shia majority rules such as Maliki on the Sunni leaders is self-evident in a clear example. In 2012 Maliki challenged the Sunni vice president Tariq al Hashmi and exiled him to Turkey and he is living there to the moment (Haddad, 2019). In addition, since 2014 prime-minister Maliki has also cut the budget of the civil servants of the KRG accusing for independent selling oil by the KRG (from 2014 until 2018), and the Kurds could not use veto to stop this decision (Aldroubi 2018). Moreover, the Sunnis partially have been expelled in the country's politics and not received the sensitive positions in the government especially in the army (Jaboori 2013). In result, these evidence proved that the superiority of the Shia groups in the Iraqi government did not create opportunities for the Kurds and the Sunnis to practice veto and they could not stop the threats against their ethnic rights.

Addressing the critics on Minority Veto

One of the problems and critics that have been addressed in the literature causing by minority veto, is emerging tyranny of the minority. The critics came from the idea that tyranny of the minority at the end will create barriers for the process of cooperation in the power-sharing system. The reason behind this critics, is that whatever the minorities do not prefer, they veto it and this will cause two problems. One of the problems is that the minor groups will be superior because of raising their will over the majority, and the second factor is that it blocks the executive controller and stops political process (Fried, Kamar, Yafeh 2018:17). In reaction to this critics Lijphart (1977) has himself addressed this fear in his book *Power-sharing in the Plural Societies*, where he has provided three factors to solve this issue and he claims that this fear is not as serious as it seems. The first, is this veto is a '*Mutual Veto*' that all the minority groups can practice, and the very numerous uses of the veto is not very possible because it might be against their own interests (Lijphart 1977: 37). Second, in reality the veto right is a soft weapon and it is available that gives approximately a feeling of being secured. Third, each group will know the difficulties of a deadlock that may be caused by the frequent use of veto, therefore they will try to avoid using veto too much.

3.4 Conclusion

To sum up, this chapter discussed and assessed how grand coalition and minority veto work and what are the advantages of these principles on one hand, their disadvantages on the other hand. By critically assessing those two principles of power-sharing, the chapter also provided refutation for the critics leveled against power-sharing by giving the explanations from the leading advocator namely: Arend Lijphart. This chapter dedicated much space to Lijphart's views and his theory. In this chapter it was argued that grand coalition can be an effective alternative for democracy in deeply divided societies, because majority rule (as explained) creates many problem regarding instability and undemocratic practice. First, the chapter discussed grand coalition, and examined that it has been experienced in Iraq to some extend which is in practice, but this is not regulated constitutionally and it needs to be improved. In addition, grand coalition in Iraq is not in favor for Lijphart because while it's not regulated in the constitution, thus there is no guarantee that in the future grand coalition will be considered for the government formation. Second, minority veto which is regarded as the secondary characteristic of power-sharing by Arend Lijphart in Iraq is not implemented very efficiently and the minorities have faced many ethnical and religious challenges. Minority veto is connected with the grand coalition, because when the minority groups have representation in the executive body, they also want full guarantee that the decisions should not be made at the expense of their identity but in Iraq the grand coalition to a good degree is implemented in the country. As a recommendation, more research is needed regarding each one of the principals especially the Grand coalition, because the grand coalition implementation in Iraq is critical, few scholars such as Ab Ultraif do not see its use effectively (Ab Ultraif 2015). In addition, while this paper showed many advantages of the minority veto in the literature and the case studies of few countries that use these minority veto but in Iraq it is used very weakly and it needs more time and efforts in order to guarantee the rights of the minorities.

CHAPTER 4. AUTONOMY

4.1 Introduction

Segmental autonomy is the second important principle of power-sharing consociational model that is formulated by Arend Lijphart. The definition of segmental autonomy or “group autonomy” for Lijphart is when, “groups have authority to run their own internal affairs, especially in the areas of education and culture” (Lijphart 2002:39). In the consociational model of democracy, the national matters are related to all segments of the society, the decisions are supposed to be made in the grand coalition executive body by the elite’s representatives of the segments. However, segmental autonomy in power-sharing can be given to the cultural groups, for instance, the freedom and power to administer their ethnic institutions such as a different language or schools, or cultural ceremonies, similarly the different religious groups also can administer their institutions. In this sense the decentralization is considered as a positive mechanism for such societies in order to share power among the central government with its regions.

The element of segmental autonomy has also received many critics by the scholars in the political science, one of the main critics is that autonomy may lead to partition, which results in the instability of the political system. Moreover, the other concern faced autonomy is possibilities of creating interethnic conflicts which could weaken the process of democracy. This chapter aims to analyze the segmental autonomy in the power-sharing theory perspective, and also it will point out the debate over this element with showing the advantages and the disadvantages.

Scholars have referred to many advantages and disadvantages of segmental autonomy and the decentralization. Pippa Norris in his book *Do Power-Sharing Institutions Work* has discussed in detail on this debate of segmental autonomy and demonstrated the both sides. He has referred

to many prominent advantages of decentralization, and for him it is efficient, because 'one for democratic participation, second for public policy, third for the representation of the territorial ethnically and religiously different groups' (Norris 2008:160). In detail, it is claimed that decentralization gives the multiple choice of ethnic practices and encourages participation, also raising the sense of responsibilities by the elected bureaucrats to the citizens, thus it approaches to a more democratic participation and responsibility. For Lijphart the political boundaries in an ethnically divided society transfers to the social boundaries. Therefore, the sub-groups will be homogeneous inside their autonomous regions, in so doing decreasing the communal tensions, driving stability and enabling diverse goods within a borderline of one country (Lijphart 1999:196).

Federalism and Decentralization are considered favorable for those deeply divided societies which segments are also geographically separated, because the political affiliations reflect these separated groups. Federalization for the groups can translate into a feeling of self-determination to manage their local matters, and preserve their particular social, cultural, religious and economic welfares. More importantly, in order to practice their specific cultural identities, they should manage their teaching the religious schools, to organize local taxation and spend it to the low-level poor places. In addition, also federalism is necessary to run local police, the judiciary structure, organize language policies.

For societies where segments are geographically divided, scholars regard political decentralization as highly recommended as it lets the minorities to elect regional representatives that can run regulations and policies about ethnically matters for instance education. This type of local decision making might be considered as crucial to resolve the tensions among special segments that are located in a determined area, through enhancing the leaders to a particular election. The case of Britain is relevant, where the governorate council helps to ease the election representatives from Pakistani, Bangladeshi and Indian, whom they are minorities in the cities of Bradford, Leeds, London and Bradford.

In a relevant work, Lijphart (1979) discusses the overlapping points between power-sharing and federation, and he determines how they coincide. In his article *Consociation and Federation* Lijphart differentiates that, the opposite of federation is a unitary government system, while the opposite of power-sharing is majoritarian. Lijphart in this regard argues that “the two are closely related, and that (1) federal theory contains an important consociational, or at least proto-consociational, that (2) federalism can be a consociational device” (Lijphart 1979: 499).

4.2 Power-sharing and Federalism

When autonomy is applied with power-sharing, it overlaps with the concept of federalism, however federalism can be applied in the non-divided societies. Meanwhile, consociation may occur in the non-federal states, though there are many differences and similarities between consociation and federalism that will be discussed in the following parts of this chapter.

Segmental autonomy is a form which in one way can be federalism, while federalism implication is adopted in the non-plural societies. In Theory, federalism has many similarities and overlapping points with consociation, of course not just the autonomy to a part of the country, but also the representation of the sub-groups and the minorities in the federal cartel. Therefore, the idea of different territory for each group of the society in a federalist system can be one form of the consociational theory in the divided societies. Thus, the consociational method is a broader arrangement of federalism, which reflects in the territorial autonomy framework and even without granting territory and providing freedom of group practice which is framed in the segmental autonomy (Lijphart 1979: 499).

4.3 Autonomy in Iraq

This section analyses the case of Iraq into two types of territorial and the non-territorial autonomies, and in order to demonstrate the status of segmental autonomy as one of the main features of the power-sharing. A recent doctoral study of Ibrahim Aziz has been published under the title ‘*consociationalism in Iraq after 2003*’ that he has discussed the case of Iraq in detail about whether elements of consociation have been implemented (Aziz 2017). The following paragraphs different forms of autonomy will be discussed on the case study of Iraq,

first part the constitutional arrangements, and in the second part; the implementation of the theory in Iraq from 2003 to 2014.

Autonomy can take three forms, which are economic, cultural and political. First, Aziz illustrates that the Iraqi constitution has mentioned the political autonomy in many articles, that is written “the federal system in the republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations” (Iraqi Permanent Constitution 2005 the Article 116). Additionally, article 117, section 2 also focuses on this matter that reads “this Constitution shall affirm new regions established in accordance with its provisions” (Iraqi Permanent Constitution 2005 the Article 117 Section 2). It is worthy to note that in the constitution of Iraq its mentioned that one or more governorates have right to be regions, Article 119 reads “one or more governorates shall have the right to organize a region based on a request to be voted on in a referendum” (Iraqi Permanent Constitution 2005 the Article 119). Concerning the economic autonomy Article 112 section one, illustrates that the central government, with the regional governments can take care of the resources such as gas and oil and share its revenue on proportion to the people for the all parts of the state.

With regards to the political and the territorial autonomy in the constitution that is a federal system, and this is compatible with the consociation model. Article of 121 refers to the rights of the regional boundaries to rule their own affairs, as mentioned that “regions have the power, to exercise executive, legislative, and judicial powers in accordance with the constitution... the regional power shall have the right to amend the application of the national legislation within that region” (McGarry, J., and B. O’Leary 2005: 687). Lastly, regarding the cultural autonomy in the constitution of Iraq; the autonomy for the schools to the minor cultures Article 2 section two states clearly that the constitution “guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yazedis, and Mandi Sabeans” (Iraqi Permanent Constitution 2005 the Article 2 section 2). More importantly Article 4, section one contends that

“the Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Assyrian, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions” (Iraqi Permanent Constitution 2005 the Article 4). Finally regarding the cultural autonomy, Article 41 reads that the Iraqi people are free in all the different religious and sects and the freedom with all types and these will be arranged by laws, in the all matters of marriage, divorce, adoption of children and succession. The reason behind bringing those articles were as examples in order to illustrate that Iraq has determined the rights and duties of the central government regarding the autonomy right, and constitutionally guaranteed the existence of the different segments and also determined the paths to implement these rights. When the Iraqi has been reestablished after the fall of Saddam Hussein, the system of the consensual type of democracy or power-sharing democracy has been brought to Iraq, because Iraq was regarded as a complex and diverse society (McGarry and O’Leary 2007: 670). Moreover, for the groups that are not territorially separated can practice their specific languages and cultures.

Second, the implementation of segmental autonomy in Iraq has been discussed by many scholars; as Aziz has argued that, as implementing the autonomy and creating the Shiite region was unsuccessful, because they came to power and they have the authority over the whole country, but the Kurdistan Region is autonomous since 1991 and it implemented all the characteristics of segmental autonomy (Aziz 2017: 111). The Kurdistan Region, for example, practices autonomy in the federal state and practice all the political, economic, and cultural autonomy. consequently, one of the strongest support by the Kurds have happened in the reformation of Iraq. In result, it can be argued that practicing autonomy as one of the main feature of power-sharing is positively experienced since the establishment of the new Iraq (Anderson 2007:166).

It's remarkable to address that the country has adopted power-sharing and this system have not been dissolved, while violence and instabilities continues in Iraq since 2003. Ivan Elan, has addressed this topic in his paper about Iraq, titling *The way out of Iraq: Decentralizing the Iraqi Government*, hence he mentions that the tensions of Iraq and the instability are caused due to the external forces and the International superpower antagonism on the arena of Iraq. He further argues that the "The hope for Iraq is decentralization, the alternative likely will be a rush toward civil war." (Eland 2005: 39). In Reviewing power-sharing in Iraq and the limitation of the theory in the country, *Eduardo Abu Ltaif* in his study analyzed all the features and regarding autonomy, he arguing that "autonomy is strongly advocated in Iraq" (Ab Utaif 2015: 2).

The economic, political and cultural autonomy for Kurdistan as the only limited free region has passed through rigorous experience since the last century. The Kurdistan Region attempted for self-determination and autonomy to the Kurdish speaking population and the boundaries of the three provinces of Erbil, Sulaymaniyah and Dohuk, and claiming Kirkuk that is still a disputed area. Since 1991 the Kurds have enjoyed a great step forward, it has recorded prominent modernization than the rest of Iraq in terms of industry, culture, technology and peace status. The officials of the Kurdistan region praise these autonomous activities and marked it as opportunity for many achievements. For instance, Professor Brendan O'Leary interviewed the former Kurdistan Region Government KRG prime minister Nechirvan Barzani and he points out that "The Kurdistan Region has achieved many great things since the liberation of 2003. We are proud to be described as the model for the rest of Iraq: tolerant, democratic, peaceful and working toward economic prosperity" (O'Leary 2007: 45). Barzani also refers to the economic status and using the natural resources after the fall of the Ba'ath regime, stating that "our people never benefited from our natural resources... Now, after so much suffering, we have a chance to turn this curse into a blessing" (O'Leary 2007: 45). These claims by the highly officials of the region illustrate the status of autonomy in Iraq, which Kurdistan as an autonomous region could use this privilege to prosper.

4.4 Addressing dialog on segmental autonomy

The dialog over the cultural, segmental or national autonomy has been discussed by the opposing scholars of power-sharing as well, and they demonstrated critics and also they provided alternative views throughout literature. One of the prominent critics against the geographical autonomy in the form of federalism or decentralization is that, the segments are not satisfied by this phase, and it will lead to secession and partition. For example, Eric A. Nordlinger (1972: 32), in his work of 'federalism suggestion' as a model of conflict resolution, he excluded the countries with deeply divided nations, because, in those communities, federalism leads to separation. Nordlinger quotes that 'The combination of territorially distinctive segments and federalism's grant of partial autonomy sometimes provides additional impetus to demands for greater autonomy', when these demands will be rejected, they will attempt to further civil war and secession or partition (Nordlinger 1972: 32). This challenge has also been addressed by the supporters of consociation model of power-sharing, in fact to some extends it is considered as a problem. However, other advocates have answered this problem and they claim that, partition rather is seen as an ultimate solution when autonomy cannot succeed. Lijphart has rejected this fear of partition to be an outcome from power-sharing, because there is no guarantee for the unitary and the majoritarian systems to prevent partition as well (Lijphart 2002:44). In Lijphart's view this fear of partition causing by power-sharing has no empirical basis. One of the noticeable answer is by Gurr (1993) When he illustrates that "neither in theory nor in practice is there anything inherent in autonomy agreements that leads to future civil war or disintegration of the state. The recent historical record shows that, on balance, autonomy agreements can be an effective means for managing regional conflicts' (Gurr 1993: 301).

However, the partition is seen as an advantage by few of the authors, for instance, there is one of the alternatives by Louis Wirth after the World War Two, as he claims "it will be wise in the forthcoming peace settlements to recognize the importance in the drawing of the national boundaries of the distribution of ethnic groups and to be prepared for the transference of people to more congenial states in case ethnic boundaries must be violated." When he

discusses the Turkish-Greek war that resulted in partition and it was seen as a new approach for the conflict resolution (Wirth 1945: 372).

The next critics is against the non-territorial autonomy, arguing it might motivate ethnic tensions through recognizing some segmental groups by allowing to be stronger, connected and more distinctive from the other segments. In this regard, Lijphart refutes this argument, by stating that not every strength of the ethnic groups leads to the solemn tension. In contrast, as much the segmental groups get stronger they act as positive force for conflict resolution (Lijphart 2002: 45). To the strength of the ethnic groups, Gurr again concludes by claiming that the practical place for the communal groups are the positive-sum coexistence of ethnic groups and plural states', that means 'both recognizing and strengthening communal groups within the existing state system' (Gurr 1993: 323).

The last critics against segment autonomy is regarding the examples of the system, that criticizing its applicable only in few number of the European countries and by the European scholars, and it's not appropriate for the other places throughout the world. Lijphart himself has defined this critic as problematic, because it unnoticed the other cases of Lebanon, Colombia and Malaysia that power sharing and segment autonomy are progressed by the local elites with no external interference (Lijphart 2002: 45). There are many non-European scholars who have drawn attention to the danger of the majority rule for divided societies, and they have agreed on the propositions that are very close to the power sharing. One Example, is by Sir Arthur Lewis's work on *Politics in the West Africa* that is considered as the modern study on the consociation theory, as he is not European and he is a Caribbean Island of St Lucia and his expertise is in African studies. For instance, he mentions that in Africa 'the tribe has made its decisions by discussion, in much the way that coalitions function; this kind of democratic procedure is at the heart of the original institutions of the people' (Lewis 1965: 86). Another case is the work of Raul S. Manglapus who is Philippine and worked on the Non-western democratic politics which he found that these political cultures are power sharing that is featured by the consociation. (Manglapus1987: 69). The segmental non-territorial autonomy is applicable for the divided societies, and this does not necessarily mean they will be autonomous in all aspects, but it's necessary to some aspects such as Education and culture.

4.5 Conclusion

Power-sharing has been applied in different parts of the world, and in each country few principles have been applied. Segmental autonomy as marked by Lijphart as one of the primary categories, while there have been extensive debates by the political scientists.

In the first part, the case of Iraq was shown as an example of autonomy for the small groups of the Kurds and other Christian minorities. In Iraq, the autonomy of the Kurdistan Region that has been accomplished by de facto since 1991 allowed the region to prospect, develop and practice very efficient status for the culture of the Kurds. The Christians and the other minorities in the country have lived in the region as a sanctuary for preserving their identities. The case of Iraq is a worthy example for both territorial and non-territorial autonomies. Moreover, autonomy in Iraq has been applied in all forms; the political, economic and cultural autonomy as in the case of Kurdistan region, and advantages of autonomy reflected in the prosperity of the region compared to the rest of the Iraq. In another word, through practicing segment autonomy the other minor sects such as the Sunnis and Shiites can have their own regions, and in this way federalism will work more efficiently and they enjoy their development and freedom. If autonomy will be practiced completely and the country will get stronger because the groups would not think about partition.

The second part of this chapter, devoted for the debate and the critics against segmental autonomy and also the reactions of the advocates of the theory against the critics. The critics were formulated for different reasons for instance, Nordlinger excluded federalism in the communities with diversity of nations, because in his view federalism in those societies might result in partition. For the scholars of power-sharing this issue of partition is two-folded, in one case it's a threat and they reacted that society federalism is practice in many countries and did

not lead to partition. However, for few its considered as another case, as they consider partition as a solution when the society reaches to deadlock. Lijphart has mentioned that the threat has nothing to do with power-sharing because in other majoritarian there are many cases that led to partition, simultaneously few of the other supporters of power-sharing see partition as a choice when the society has no other peaceful choice. Another issue was regarding the non-territorial segmental autonomy, and its claimed that autonomy will make them get stronger and one specific group of people get together and distinct themselves from the rest. This also have been answered by the power-sharing advocates such as Gurr that the strength of the ethnic groups is an advantage and make the society stronger and more connected than being distinct. The chapter argued that segmental autonomy has benefited societies that are deeply divided and the cases shows that there are no other choices better for stabilizing such societies.

CHAPTER 5. PROPORTIONALITY

5.1 Introduction

In the divided societies, power-sharing scholars prefer proportionality as discussed earlier in this thesis, which is one of the four principles of power-sharing model of democracy by Arend Lijphart. Also, they prefer the proportional representation (PR) as an electoral system, rather than plurality system, for the process of democracy in such societies. As indicated in the previous chapters, that power-sharing scholars prefer the parliamentary systems rather than presidential systems for the newly emerging democracies in divided countries, and they also prefer proportionality instead of manipulating by one majority party. Correspondingly, Lijphart claims:

“the combination of parliamentary with proportional representation should be an especially attractive one to newly democratic and democratizing countries” (Lijphart 1995:161).

The proportional representation is works better to the models of multi-party and also the coalition governing council, at this sense it is against majoritarian and it relies on sharing of power in many different ways. The examples of the countries that have adopted the system of proportional representation are those who have religious and ethnic minorities for instance, the continental European countries.

Firstly, PR gives a guarantee for the minority representation, elaborated by Stein Rokkan that PR is not accidental, but it's because those countries are heterogeneous societies (Rokkan 1970:157). Secondly, the trend of the development of democratization which gave and opportunity for lower classes and minorities to achieve the proportion of representation in the parliament and to preserve their place in the newly wave of voting which are elections. Both reasons are applicable for deeply divided societies. The aim of this Chapter is to evaluate proportionality in Composition of the Public Service and also as the electoral form of

proportional representation (PR), and also to analyze its implication in the power-sharing model of Iraq.

5.2 Proportionality in Composition of the Public Service

In the Lijphart's view, the success of the European countries' democracies is due to the fact their democracies are both parliamentary and they practice proportionality (Lijphart 2008:156). The main issue concerning a democratic system's formation in the new divided societies, is caused by the majoritarian definitions, because the majoritarian or plurality system does not reflect the representation of the voters in the seats in the legislative. The success in the democracy means having stability and the experience of coexistence, which both are available in the 20 years of European democratic experience from 1980 to the beginning of the 21st. Additionally, due to the multi-ethnic nature of the European countries, hence proportionality, coalition government and the multi-party systems work efficiently. The importance of launching the electoral systems in democratic countries are essential, because it is the beginning of the government and the legislative formation, as Giovanni Sartori has described the electoral arrangement as the best mechanism to have high degree of control in politics (Sartori 1968:237).

Therefore, Lijphart describes the aim of proportionality is to facilitate the representation of the minority segments. In the cases of the European countries this aim clearly reflected, for instance in Finland and Belgium where the minority groups created their political parties, then the proportionality helped them to enter the government positions. The majoritarian or plurality (also known first past-the post) are known for the discrimination of the minorities through the extra representation of the majorities and the larger political party. Additionally, in plurality systems, the ability to create the fake majority for the political party act to disable of winning vote for minorities. One of the definitions is mentioned by Jurg Steiner that proportionality in an electoral system as "all groups influence a decision in proportion to the numerical strength" (Steiner 1971: 63). Consequently, in this regard the proportionality trait is

correlated with the grand coalition model, that decisions should be in proportion to group sizes to ensure that all the segments have had a role. The main important point that proportionality added to the improvement of grand coalition is; not only all groups play a role in the decision-making processes, but also they have to play proportionally. Playing proportionality means that, after the guarantee of the minority representation in the public positions, then it's the duty of all groups give a fair treatment with the minorities. Proportionality as earlier mentioned, that any groups with any amount of the population votes, should receive the same amount of seats in the legislative, moreover, it should receive with the same amount of its proportion in the public sector.

5.3 Proportional Representation (PR) as The Electoral System

Proportionality when considered as an electoral system is called Proportional Representation (PR) which is simply defined to an attempt to make a representative mechanism to represent the whole distribution of peoples support for all political parties (Mill 1861). This definition came from the idea that election is regarded as a survey of the opinion of the people to determine the way state will be ruled. The main concern of power-sharing for proportionality is that, the proportional distribution to translate the votes for the seats in the parliament. For instance, the plurality system does not reflect the opinion of the whole society and sometimes its seen as unrepresentative outcome that minority rule and represent the entire society such as in the UK that two main political parties ruled the country for more than 30 years in the last century while they have obtained only 40% out of the total votes.

Another important point regarding the PR is using the multi-member districts, while the pluralities use the single-member districts. This system of PR firstly progressed in Denmark in the 19th century by Calr Andrae then by John S. Mill and Thomas Hare in UK. One of the mechanisms of voting by PR is the STV (single transferable vote) which the voters can rank the candidates in terms of preference from one and on, this system is used in Ireland and the European parliament elections. In addition, PR has the feature of quota that decide the number

of the votes needed for one candidate to win. The quota works when the number of the votes divided by the number of the seats plus one. For instance, if one candidate allocates the number of the exact votes for one seat plus one, for instance 250000 votes for 4 seats it will be 50000 votes to win the seat and any candidate that will exceed this number the other votes will be transferred to the other candidate that is preferred by the voters by second in terms of preference.

The advantage of this STV type of PR is for the minorities that can win seats. The Second type of PR is the party list system in which the voters choose a list of all candidates, and the lists belong to different political parties. The parties will receive their share in the parliament to the proportion received by the votes. The third type of PR is the Additional Member System which it links the proportionality and the geography between the people and a member of the parliament. In this case the voters have two rights of voting, one is for the candidate and the other is for the political party, this vote of the party is designed to determine the structure of the legislature. The primary type preferred by Lijphart is the PR Party list, and also the PR closed list, in this regard his argument is that the PR Closed-Party list “can encourage the formation and maintenance of strong and cohesive political parties” (Lijphart 2008: 79).

5.4 Alternative Vote (AV)

One of the alternative approaches to PR is the electoral system proposed by Donald Horowitz (1992), the Alternative Vote (AV) or sometimes called ‘instant runoff’, it aims to encourages electing the moderate representatives (Horowitz 1992:188). Alternative Vote was firstly coined as a reform of Single Transferable Vote STV of the PR that was suggested by the Street Royal Commission in 1975 for Fiji. This model helps the election to happen in the single member districts than the bigger multi-member electorates that is needed for PR (Reilly and Maley 1996:14-15). The two models of AV and STV both make the people to rank the candidates by order according to preference and give numbers such as one onward. The difference between the two models of AV and the proportional representation STV is the mechanism of interpreting the votes to each seat. With the STV, the candidates receive quota votes (as previously

mentioned in the part about STV) that is, the number of the votes divided by the number of the seats plus one. In any occasion more than one candidates will be elected, and this quota means quarter of the votes. On the contrary the system of the Alternative Vote applies the similar method but for the election of only one member, therefore the quota is getting higher than 50% and one. This formula obliges the candidate to gain majority of the votes to win, hence this can be categorized as a majoritarian or plural system. In this model of AV, if none of the candidates could gain the majority of the votes, then the candidate with the fewest vote will be out and his/her votes will go to the second preferred choice. The same formula continues till a candidate gets more than 50% of the votes and will be selected (Reilly 2002: 75).

The AV is similar to the proposal of Brian Barry (1975) in the sense that it attempts to moderation rather than the representation in the executive and the legislature, but the distinct point here is that, Horowitz goes further tries to institutionalize a system or an agent for the moderation. To answer for this proposal of having an alternative for the proportional representation, Arend Lijphart rejects the proposal and brings the example of Iraq to apply this AV in the government of Iraq, the agent will be majority of the Shiite stipulation that these members will be selected in a mechanism that will be compassionate to the benefit of the Kurdish and the Sunnis that are minority. Lijphart claims it is difficult to see that the Kurds and the Sunnis will be agreeing to this system of moderate representation by the Shiites as an alternative to their own representation. Lijphart extends his claim by saying that “it is equally hard to imagine that Kurdish and Sunni members of a broadly representative constituent assembly would ever agree to a constitution that would set up such a system” (Lijphart 1969:98). The AV proposal in Lijphart’s view lacks any strong support in the literature among the academics, and the constitutional designer - the only practical example is the case of Fiji electoral system, that aimed to combine the AV with the power sharing, it was short lived as it was accepted in 1999 and then collapsed in 2000. Therefore, Lijphart rejects the AV proposal and argues that AV could not gather great attention and implication.

5.5 Proportionality in the Case of Iraq

In drafting the constitution of Iraq, there were promises for the minorities, and provided autonomy for the Kurdistan Region to practice their culture and language rights in their schools and the other cultural institutions. Moreover, the formation of the government, was shaped in the beginning based on a power-sharing system, where there was no majority, there was a multi-party system and also the representation of the minority groups in the council of the ministries.

The case of Iraq has been chosen to test and examine the availability and quality of proportionality in the civil services agents and the allocation of the public funds, and also as the proportional representatives from within the electoral system. The Iraqi executive council is proportional to some degree with the presence of all the segments: Shiites, Sunnis, Kurds, and the other Sabina's and the Christians, with the Shiites being the majority – Iraq has a parliamentary system in the constitution yet forms a coalition government among those groups (Synovitz 2019). The question here is to what degree Iraq has followed the power-sharing theory with regards to the principle of proportionality. It's worth mentioning that Iraq for its electoral system followed the suggestions and the instructions of Lijphart and they adopted the proportional representation to some extent, as for instance Iraq has followed the multi-member districts and electoral law that is recommended by Lijphart, but they did apply open list, while Lijphart suggests close list (Lijphart 2004: 101). It was demonstrated previously that Lijphart has recommended the successful electoral system is the PR with the party list, and with the multi-member districts that will not be very large (Lijphart 2004: 101). In his study about the case of Iraq Eduardo Abu Ltaif claims that Iraq has stepped toward the implementation of the Lijphart's recommendation and followed the model, with the exception of one point where Iraq adopted open list in elections while Lijphart had advocated a closed list (Abu Ltaif 2017:38). In Iraqi parliament a portion of the seats are reserved for the minorities in order to secure their presence in the parliament during the election of 2010 and also 2014, which 5 seats for the Christians and the Yezidis and Sabias one seats each (Electoral Law 2010 and 2014). Moreover, in 2005 when the government approved to allow the legislation to let the disputed territories provinces to launch their own security forces were gathered, conferring to the proportionality

approach, and the Iraqi government did not intervene in order to give the right to the people of the provinces, by this way they could the gather their local people rather than bringing the people from different areas (Mustafa, 2015).

5.6 Addressing Problems of Proportionality

There are many critics to the notion of proportionality and in particular the proportional representation. In his book of *Democracy in the Plural Societies* Arend Lijphart himself has addressed relevant critics about consociationalism and its disadvantages. He has pointed out that proportionality, when considered in the public services as a mechanism of gathering people, prioritizes a specific group in the society over the whole population, and this would be at the expense of the management effectiveness (Lijphart 1977: 51). Lijphart has replied to this critic by maintaining that proportionality “is a convenient and time saving method for allocation of resources and appointments” (ibid). The decisions might be slow in a power-sharing system due to grand coalition and the proportionality in the public service agencies and for the allocation of the public funds, but the positive point, according to Lijphart, is that taking more time also results in effective and efficient actions. Concerning proportionality, the Douglas J. Amy has criticized the term and has declared that the government with proportionality tends to increase instability (Amy 2015). The reason behind this critic is that proportional representation tends to create multiparty legislature, therefore the number of the parties will increase in this system and the problem is that in the cases when no party could win the majority of the seats then the legislature might be ruled by the winning minor parties. The creation of these coalitions according to Amy is weak and easy to be broken, due to the disagreement among the political parties about the policy complications. The advocates of the proportional representation have responded to this critic by arguing; first, the breakup of the systems in all cases are expected in the multiparty and the one-party systems as well, therefore the focus on the breakup is been exaggerated by the critics. Second, according the proportional advocates the multi-party coalitions are mostly record stability, and the opponents of the PR could not find a tangible case of the countries as evidence where using PR created instability. The supporters

of the PR refer to a study that addresses the names of the countries that use PR and have gone through stability or even more stable than the UK which is ruled by one party majority. Thirdly, the advocates of PR claim that instability of the coalition is not a great concern as the coalitions in the European countries break due to the instability of the parliament and this occurs in the United States as well.

Another critic is concerning the PR mechanism of voting, it holds that this mechanism will cause confusion for the voters due to the large number of the political parties and candidates and this needs more types of polls and this complicates the voting process. The response of the PR supporters is that PR does not have one particular model, there are various types of PR as they are applied in different European countries and there is no case where people have been confused (Reilly 2002: 75). One of the critics that reveres the idea of PR is that this model will brings manufactured majority; Mark Rush has claimed that this issue is not “an uncommon occurrence” in the proportional representation countries (Rush 2001:115). In this regard Douglas argues that this manufactured majority is not highly possible in the PR as the records of the European countries’ cases demonstrates (Amy 2002:40). Additionally, Lijphart (2012) provides a study that shows in the cases of the all PR countries of the elections between 1945 and 1996, this possibility of creating manufactured majority is 9% while in the majority or the plural countries its more than 44% (Lijphart 2012: 166). Though, the manufactured majority is not considered as a threat or a big challenge in the proportional representation society, and rather its considered as a minor problem. To conclude, the continuous debate suggests that proportionality is the functional option with admitting some disadvantages and weaknesses, it remains as the better solutions for divided societies, and the advocators, accordingly have provided strong arguments that PR has not been replaced by any other alternative model.

5.7 Conclusion

This chapter discussed the term of proportionality and its implementations as one of the principles of for a power-sharing model advocated by Arend Lijphart. The chapter has been determined for few parts, the introduction and also the technical and the political use of the term. The chapter examined proportionality, with reference to two meanings; as the allocation of the public funds and Civil services, and also the use of the term as proportional representative PR as the electoral system. The chapter defined the term and also demonstrated its critics, and also discussed the Alternative Vote (AV) which its proposed by both Horowitz and Barry (1975). Never the less, the response of the proponents of proportionality proved that PR to be more sufficient and well formulated. In divided societies, when different religious and cultural groups exist, the democratic mechanisms work very difficult and those countries were used to be controlled by authoritarian governments, the less cost and more efficient system for those countries is proven to be power-sharing and proportionality (Lijphart This chapter has addressed the primary debates revolving around PR and has shown the evidences for the strength of proportionality (Lijphart 2000: 15). It also elaborated that in the case of Iraq, proportionality has been adopted since 2003 and to an acceptable degree in the positions of the parliament and the civil services proportionally has been implemented.

CHAPTER 6. CONCLUSION

This dissertation critically analyzed the power-sharing arrangement in the divided societies by taking Iraq as a case study. It discussed the consociational democracy that has been used as a form of power-sharing, with reference to its four main principles of grand coalition, minority veto, autonomy and proportional representation. It advanced the argument that consociational democracy is the most effective and important type of constitutional design for the deeply divided societies; further, it demonstrated that in the case of Iraq the proportionality and autonomy have worked sufficiently, but grand coalition and minority veto have remained as primary challenges – the operationalization of which needs time. This dissertation, therefore, concluded that the case of Iraq is a mixture of the consociational (proportional representation and segmental autonomy) and majoritarian principles (veto and grand coalition) to various degrees.

6.1 Research question and findings

The main question revolves around the political problems of deeply divided societies, and also to what extent the power-sharing arrangements can solve and stabilize such societies? And additionally, to what extent the Iraqi political system has implemented the main four principles of consociationalism? The thesis, correspondingly, discussed power-sharing arrangements and assessed the arguments of the advocates, and also addressed the critics of the opponents showing that such critics were weak; that is, the supporters of consociational democracy such as Lijphart persuasively addressed those critics and responded with stronger counterarguments that power-sharing remain the only working solutions in the case of most divided societies.

This Thesis showed that grand coalition in Iraq is not as the literature supposed it to be, because the main important decisions are made in the house of the representatives based on a majority principle. While all segments and political groups are participating in the governing council, it is bound to the agreement of the political elites, hence the participation of all groups is not guaranteed in the constitution. Moreover, the minority veto in Iraq has not been applied, and in many prominent cases minorities have been marginalized such as the Sunnis. The third principle, segmental autonomy in Iraq has been applied very effectively, in both cases of non-territorial autonomy and also territorial autonomy. Segmental autonomy that include the

self-administer of the public schools and religious institutions exists in Iraq, also territorial autonomy that takes the form of federalism has been established since the drafting the 2005 constitution. The proportionality principle, has been practiced with limitations in the army but the other public offices and the allocation of the public funds are proportional, and also in the form of proportional representation Iraq followed the guides of Arend Lijphart and adopted PR (Aziz 2017:14).

The power-sharing arrangements, for Lijphart, is not a utopia, it is better alternative to majoritarian systems for deeply divided societies. As this thesis pointed out power-sharing according to its advocates does not necessarily mean consociational democracy, and the main four principles of consociation do not require one concrete form, but rather each one of them take many different forms and they have distinct implications corresponding the nature of the society in which they are implemented (Lijphart 2002:39).

Iraq is considered as a crucial case because of few factors: first, Iraq is transitioning from an authoritarian regime that ruled the country for decades of marginalizing the Shia and the Kurds. And Iraq is an emerging democracy and for the case of the divided societies it is a good example of the researchers to observe the democratic institutions' establishment. Second, the geopolitics of Iraq that on one side is Iran (a Shiite system) that supports the elites of the Shiite groups, and on the other Sunni countries surrounding such as Saudi and Turkey that support the Sunni groups of Iraq. Third, more recently during the emergence of ISIS in 2014 and declared the caliphate, and fueled the sectarian violence in the country, then again physical tensions started and took four years to destroy the caliphate. The ISIS emergence fired the antagonism between all the segments of the country, and they killed many from the Shia groups and the Kurdish Peshmerga forces, and also they kidnapped and raped many Christian and Yezidi civilians. These actions of ISIS challenged the power-sharing in the country and created an environment of hatred for all segments and made the coexistence more difficult. In addition, the tension between the Iraqi Kurdistan region with the cabinet of AL Maliki over the oil

production and independent selling through turkey also fueled the Kurdish-Arabic rivalries, and attempted to declare independence by the Kurds but after its failure then Kurds went back to Iraq for forming another government cabinet, which this was another challenge for the power-sharing process in the country. Now in the 2019 after new governing council and new prime minister which is a neutral Shia leader, the country is getting more stable, more secure and the relation with KRG is progressed. The reasons behind this progress is due to the fact that, Sunnis could not find themselves in the state of Daesh and they also fought against the group and they participated in the elections, and also the Kurds after attempts for independence they could not succeed and returned to the government formation. In result the process of power-sharing again gained more credit and now is better time to implement all the pillars of the theory.

This thesis made a contribution to the literature on power-sharing, which is a constitutional design, and it is considered as an alternative for the majoritarian democracy in divided societies – it was demonstrated that power-sharing has more answers for the issues of such societies. Another contribution is that this thesis remarks and recommendations on implementing the consociation theory and showed its improvement for those societies that have different sects and ethnic groups – with reference to Iraq as a case study. While most of the deeply divided societies were stabilized at gun point under authoritarian regimes, consociational democracy has served as a kinder and gentler alternative to accommodate divergent groups and to run a country by all its composing groups. It was persuasively argued that consociational democracy does not violate the basic understanding of democracy, because as Arend Lijphart contends, democracy has wider scope which requires as broader understanding; as in not only rule by a majority of the people but also it should include all of the people in the decision making process.

This dissertation, lastly, recommends more research on the implementations of consociationalism, particularly in its limitations of grand coalition and minority veto in Iraq. It for sure requires different researches and dissertations to satisfactorily answer the questions of consociational democracy in Iraq; as a society that is deeply divided and needs a consensual

form democratic practice and a constitution to guarantee the rights of everyone – in particular the minorities.

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