Power-sharing in Iraq as a Model for Afghanistan?

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On the 29th of February 2020 the Taliban and U.S. government signed a peace agreement which entails withdrawal of all U.S. and coalition military personnel from Afghanistan in exchange for Taliban guarantees not to harbour terrorists and to engage in meaningful negotiations with the Afghan government. Inter-Afghan peace talks have now commenced, and the US has considerable leverage with both parties. With much at stake for this war-weary and divided nation, it is imperative that the West learn from their past experiences trying to regulate conflict in deeply divided societies. To answer the question of the extent that Iraq's experience of power sharing may be used to inform practise in Afghanistan, the academic debate on constitutional/institutional choices available to countries emerging from ethno-national conflict will first be explored. The differing arrangements employed by Iraq and Afghanistan in their most recent constitutions and their respective experiences will then be compared.

Afghanistan's 2004 constitution is centripetal but is slowly adopting consociational elements. Now facing the considerable challenge of incorporating the Taliban into government, a more formalised consociational model may be necessary. It is useful to learn from experience, and one country with similarities to Afghanistan that has tried consociationalism is Iraq. To judge if Iraq represents a model for Afghanistan, we must consider how analogous the two countries truly are, and if consociational arrangements in Iraq have been successful. Based on this analysis, the final section outlines some implications and issues to bear in mind during current negotiations.

The Academic Debate around Power-Sharing

Before examining Iraq's experience with power-sharing, let us first explore the different institutional models that are, in the abstract, available to deeply divided societies emerging from ethno-national conflict. A deeply divided society is characterised by diverse polities that are politically mobilised i.e. an individual's political or economic decisions within a country are dictated by their communal identity instead of an overarching national identity[1]. Western approaches to conflict resolution view the diversity in deeply divided societies as a 'problem' which may be overcome through the intervention of a well-crafted constitution[2]. Such an approach is underpinned by Western assumptions of political legitimacy derived from predominantly Western experiences – namely that the end goal of conflict regulation in deeply divided societies is the establishment of political stability, defined by Arend Lijphart as "system maintenance, civil order, legitimacy, and effectiveness"[3] and that democratic policies are the best way to achieve such ends.[4] Thus, the end goal of Western led conflict regulation may be seen as an attempt to achieve the reverse of Clausewitz's classic assertion – a continuation of conflict by other (i.e. less violent) means.

There are three areas of academic focus when looking at optimal constitutional design within deeply divided societies to achieve these ends: process, specificity and type of institutions[5]. Process and specificity will be touched upon briefly, but the third category which looks at government structure and electoral systems deemed best for reducing societal divisions will be the focus of this paper. There are two mutually exclusive schools of thought concerning this – integrationist ('difference diffusing') vs. accommodationist ('difference recognising'). This debate, headed by Donald Horowitz and Arend Lijphart respectively[6], sprang up in response to the observed failure of Westminster-style parliamentary systems in deeply divided European countries transitioning to democracy in the 20th Century[7].

Westminster/parliamentary systems, which use majoritarian electoral systems such as 'first-past-the-post' (FPTP) or single-member plurality voting do not work in divided societies where people tend to vote along ethnic or religious

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lines[8]. Such affiliations generally change only slowly (unlike campaigning policy which may be altered from one election cycle to another). This means that minority groups, with the electoral rules effectively fixed against them, have little hope of winning electorally while inversely, majority groups, relatively assured of victory in perpetuum have little 'incentive' to moderate their policies. Electoral winners generally make up a majority in the legislature which is then tasked with selecting the Prime Minister and executive cabinet members, thus allowing winners to dominate the political terrain at the expense of electoral losers. If minorities lose all hope of political representation and majorities abuse their powers – as so often happens in deeply divided societies – the stage is set for civil unrest and/or war.

What is instead needed to achieve the end goal of political stability, are institutions and electoral systems that produce an elected government trusted by all communities and encourage cooperation across group lines thus creating further intercommunal trust and leading with time to overarching national identities[9]. The accommodationist and integrationist schools believe this should be achieved differently.

Accommodationists champion consociational democratic principles that guarantee salient groups influence over policy that most concerns them[10] and premised on the idea to do otherwise in deeply divided societies would be too risky[11]. Consociational solutions are thus generally attractive to minorities who will have much to gain from such arrangements. The four pillars of consociationalism, as set out by Lijphart, are: a grand coalition comprised of elites who recognise dangers of not cooperating; segmental autonomy that allows for a degree of self-rule; mutual veto rights for issues considered of vital importance; and proportionality in legislature representation, civil service appointments and share of public funds[12]. With such guarantees, consociationalists hope that communities will be encouraged to work together to build trust.

Consociationalism itself is divided into liberal and corporate forms. Corporate consociation accommodates groups according to ascriptive criteria rather than rewarding whatever salient political identities emerge in democratic elections[13]. While corporate consociationalism may seem preferable at first, being inflexible to demographic shifts, it tends not to promote stable politics in the long term[14] leading academic proponents of consociationalism to favour liberal models[15]. Bogaards[16] further suggests another consociational model for effective conflict regulation, a combination of liberal and temporary consociationalism, termed consociation 'light'.

On the other side of the academic debate are integrationists who propose 'incentivist' or 'centripetal'[17] government structures and electoral systems. They criticise the consociational model for being impractical and counterproductive, unlikely to be adopted by groups at odds with one another and particularly by majorities who have little incentive to agree to provisions that would curtail their power unless coerced by arms or external actors. When adopted, the charge is that such coercion will come to be resented and ultimately that consociationalism entrenches the very divisions it seeks to heal – proportional representation (PR) and federalism tending to reward extremism[18]. Furthermore, minority vetoes of consociationalism can be abused and lead to stalemate.

Incentivists therefore prefer a unitary, centralised government with a strong president elected using systems that encourage elite power-sharing prior to elections and therefore favour moderate candidates who are willing to reach out to other communities[19]. Consociationalists John McGarry and Brendan O'Leary however point out that even incentivised, there are no guarantees that a centralised unitary government will actually be benign and neutral as envisaged by integrationists[20]. Thus, these are the general arguments set out by proponents of the two schools concerning government structure.

Government structure and electoral rules mutually impact one another[21], so appropriate electoral systems are of paramount importance for the maintenance, legitimacy and ultimate effectiveness of any democratically elected government[22] – perhaps more so in the contentious political environments of countries emerging from conflict, the very theatre of consociational and centripetal experimentation. Electoral systems translate votes cast into seats allotted in legislature. As such, they set boundaries for 'acceptable' political behaviour by rewarding those who play by its rules with electoral success; they are also a powerful mechanism for accountability ensuring elected representatives remain true to their constituency[23]. If an electoral system is not well crafted, it can cause great harm[24] but the particular challenge when implementing in practise is that these systems are best developed organically over time within the historical, cultural and political norms of a society rather than deliberately chosen.

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Furthermore, although manipulable in theory[25], in practise once set, an electoral system status quo is notoriously difficult to alter as it raises suspicions from inevitable 'losers' in the process of change[26]. Factors that must be considered when crafting electoral systems within deeply divided societies include the nature of group identities and how disparate they are, intensity and depth of hostilities, nature of the dispute itself (e.g. whether territorial/secessionist) and special distribution of parties[27].

Electoral systems become more complex, their efficacy diminished, as power is devolved from the centre as in the case of consociationalism; but devolution also serves to lower the winner-takes-all 'electoral stakes' making election results more palatable for the losers and therefore consociational arrangements more viable in deeply divided societies[28]. PR electoral systems are favoured for consociationalism because they 'faithfully translate votes cast into seats won' and enable minority representation, increasing their chances of election[29]. On the other hand, majoritarian systems such as alternative vote (AV) or two-round system 'incentivise' political moderates by forcing candidates to seek votes from outside their group; in so doing they sacrifice the more extreme votes from their own communities[30].

So much for theory. Afghanistan and Iraq are two countries plagued by ethno-national conflict that have tried vastly different constitutional arrangements to solve the 'diversity problem'. The remainder of this paper will explore their respective experiments with power-sharing and seek to answer the question of just to what extent Iraq's experience may be a model for current Western led conflict regulation in Afghanistan.

Afghanistan's 2004 Constitution

Afghanistan's geographic location and topography have meant that ethnic, linguistic and religious divides have always had political salience in Afghanistan[31]. According to anthropologist Thomas Barfield, successive invasions since the 1800s have served to instill the Afghan people with an overarching national identity which is fiercely opposed to foreign intervention, even while Afghan tactics to counter such invasions have undermined their traditional norms of political legitimacy and given rise to competing claims to power[32]. Economic stagnation and conflict precipitated by Soviet Russia's protracted occupation, withdrawal and (subsequent) collapse in the late 20th Century, led communities to rely on local militias, strongmen and warlords for protection thus intensifying segmental divides. These leaders have since morphed into the Afghan political figures of today, feeding into the distinct political economy of conflict in Afghanistan and making it a classic example of a state attempting to administer political stability to a deeply divided and contentious polity[33].

After the Taliban was toppled in 2001 by the U.S. military and its allies, the international community embarked on the promotion of democratic governance in a country that had already tried secular nationalism, constitutional monarchy, communism and theocratic dictatorship[34]. The three-week Bonn Conference in late 2001 set a timetable for constitutional design and appointed Hamid Karzai, a hereditary Pashtun leader, transitional president. The question of how to share power among the country's conflicting and sizable minorities (39% Pashtun, 37% Tajik, 11% Hazara, 8% Uzbek and at least twelve other tribes making up 1% or less of population)[35], was subsequently debated with Pashtuns, the largest community, predictably favouring incentivism and smaller communities seeking constitutional provisions to soften Pashtun dominance such as PR voting, federalism, communal vetoes and a semi-presidential model with a non-Pashtun Prime Minister[36].

Such consociational provisions were ultimately rejected for the classic incentivist arguments that they would further politicise divisions and threaten political stability[37] and because, according to Zalmay Khalilzad the US Special Representative for Afghanistan Reconciliation at the time, "Western powers wanted Afghanistan to be governed by a strong executive who had unilateral discretion to sign agreements with foreign countries"[38]; holding the purse strings and showing willingness to withhold funding for Afghanistan's reconstruction[39], Western powers had the ultimate say and thus a centripetal constitution was decided upon.

The bicameral centripetal presidential government structure subsequently enshrined in the 2004 constitution prohibits ethnic or sectarian political parties in order to encourage multi-ethnic parties and reduce segmentation[40]. Additionally, the president runs for election with two vice-presidents, a move designed to encourage pre-election pact

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formation. Finally, PR voting was rejected in favour of a two-round majoritarian system where if no one wins more than 50% of votes in the first round, a second vote is held between the two candidates with the highest number of votes from the first round – hopefully encouraging further executive integration[41]. As a nod to the consociational wishes of Afghan minorities it was promised that a possible semi-presidential model would be considered after two to three terms but essentially the provisions of Afghanistan's 2004 constitution concentrate power in a strong presidency and executive supported by a comparatively weak legislature[42].

This centripetal model does not appear to be doing so well. Since 2001, an estimated 157,000 people have been killed in Afghanistan[43] and the country now is entering its fifth decade of continuous conflict. Trillions of US dollars have been spent on military operations, counter-narcotics, reconstruction and stabilisation efforts[44]. Yet opium production and trafficking are rampant[45], Afghanistan is ranked in the bottom thirty on the Human Development Index[46], violence continues[47] and, most damningly, the resurgent Taliban are at their strongest in recent years[48].

But it would be unfair to place the blame on centripetalism – a myriad of other factors have contributed to Afghanistan's current situation. Among them, the constitutional process was marred by Taliban exclusion from the Bonn Conference making the assembly unrepresentative of the Afghan people and fuelling the Taliban insurgency[49] – but this would still be the case had consociationalism been chosen. Meanwhile, regional dynamics with power rivalries between India and Pakistan, Saudi Arabia and Iran, India and China and the U.S. with Russia, China and Iran shape political life as much as the flourishing opium trade feeds the well-established shadow war economy. It is hard to say, in these circumstances, if consociationalism would have fared much better.

Setting aside this debate, more significantly it appears that Afghanistan is making a de facto shift towards consociationalism despite its centripetal constitutional provisions. Though ethnic and sectarian political parties are banned, voters still vote overwhelmingly along communal lines, thus de facto sectarian parties have emerged in both provincial and presidential elections[50]. Though only candidates from the two largest minorities (Pashtuns and Tajiks) can realistically become president, the presidential cabinet consisting of the president, two vice-presidents and twenty-five president-appointed-ministers is appointed on a proportional basis by Afghanistan's de facto 'two presidents' (since the 2014 election). This is because all significant minority groups in Afghanistan are well armed giving them negotiating power and creating a de facto multiple balance of power – thus making consociationalism more attractive[51].

Finally, the two disputed presidential elections of 2014 and 2019, exposing the weaknesses of majoritarian voting systems in deeply divided societies, have gone a long way to making Afghanistan not only a de facto consociation, but also a de jure one. The contested winner-takes-all elections led to protests, the threat of civil war and resulted in a U.S. mediated/coerced executive grand coalition in the form of the National Unity Government. Under the newest agreement signed on the 17th of May 2020, Ashraf Ghani (a Pashtun) is again the president and Abdullah Abdullah (Tajik) will lead negotiations with the Taliban and continue to appoint half of the cabinet ministers.

Thus, a de jure grand coalition and de facto mutual vetoes have come to exist in Afghanistan. These arrangements are not (yet) guaranteed in perpetuum and the other two pillars of consociation, that of segmental isolation and PR less apparent if not non-existent. Nonetheless these shifts seem to signify both a need and a potential for consociation in Afghanistan.

The major question to be answered however is whether consociational elements can and/or should be incorporated into a potential peace agreement with the Taliban. According to a survey conducted in late 2020[52], 31% of Afghans said that they were very willing to support a role for the Taliban in government but at the same time an overwhelming majority of 85.1% said it was very important that central government be protected and a little over half (54.6%) said they were very unwilling for the Taliban to have possible control over some provinces. Reconciling these statistics in any power-sharing agreement will be a challenge.

The unenviable role of guarantor in these negotiations remains the U.S. who are the dominant 'external' power in Afghanistan, more capable "than any other actor in the international community to effect change and leverage its

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position against both the Taliban and Afghan government"[53]. Only the U.S. can deliver the Taliban's ultimate (or at least most consistent) goal – that of removal of all foreign troops from Afghan soil, and the Afghan government for its part is existentially dependent on U.S. financial and military aid[54]. What can the U.S. learn from its previous attempts at conflict regulation and Iraq's alternate experience of power-sharing in which the U.S. was similarly heavily involved? Could consociationalism in Afghanistan work? If not, how will Afghanistan's crippled centripetal system continue? One can well imagine that electoral deadlocks seen in the 2014 and 2019 elections would be far worse if the Taliban is also involved in election dispute, so the electoral system at the very least must be reformed. On the other hand, if consociationalism holds the key for the end goal of political stability in Afghanistan, what will this look like and can it be modelled on Iraq's constitution of 2005?

Iraq by Comparison

Iraq is a useful case study for many reasons, chief among these, are the many ostensible similarities between the two countries. Their modern borders, defining the composition of their polities were both created by British imperial powers within a quarter of a century of one another. The 1900s saw them gain independence and experiment with different flavours of government attempting to unify their respective countries despite challenging regional dynamics. More specifically in recent times, Iraq and Afghanistan are often associated with one another as the 9/11 terrorist attacks on the United States in 2001 precipitated invasions by the U.S. and its allies of both countries. Both invasions occurred within a two-year time window of one another with the expressed intent of promoting international peace and security and 'freeing' the host populations from the tyrannies of their respective governments[55]. The U.S. operations were even similarly named – 'Operation Enduring Freedom' and 'Operation Iraqi Freedom'. After early success having toppled the repressive governments with seeming ease, new constitutions were drafted within roughly the same time frame of two years and implementation was commenced. Both however, have subsequently experienced re/insurgence of fundamentalist Islamic groups embroiling the countries in further instability and conflict. Ultimately the U.S. found itself ensnared in seemingly endless wars (costing U.S tax-payers comparable amounts[56]) amid growing local hostility to Western intervention and war wariness of everyone involved.

The other reason Iraq is such a useful case study when thinking about Western led conflict regulation in Afghanistan, which is more salient considering the apparent similarities listed above, is: where a centripetal system was imposed upon Afghanistan, a liberal consociation was prescribed for Iraq. Given Afghanistan's current forays into consociationalism it is useful to explore how this has fared for Iraq and what might be learned.

Iraq's 2005 Constitution

Before answering this question, let us first look at the consociational provisions in Iraq's constitution of 2005. The four pillars of grand coalition, proportionality, mutual veto and segmental autonomy codified in Iraq's constitution of 2005 has been usefully tabulated by by Mattijis Bogaards[57]. The liberal nature of the constitution can be seen most clearly in the provisions for segmental isolation which are extensive and non-ascriptive – governates may become regions, but they are not required to do so (art. 19) and the choice is decided through referendums (stipulated in the article on amendments art. 126[58]). Furthermore article 121 gives regions the authority to change how federal legislation is applied within the region as long as it is not an exclusive authority of the federal government. Such provisions effectively rule out the imposition of central Iraqi state on regions that reject it and the constitution allows for decisions regarding decentralisation or regionalisation to be taken now or in the future[59]. Thus, the constitution is liberal consociationalism – an ascriptive three region consociation is eschewed in favour of this more 'bespoke', flexible and voluntary system which focusses on the 'legitimate democratic preferences' of Iraqis[60].

The transitional elements enshrined in the constitution concern the presidential council which was designed to create a grand coalition. An informal aspect of Iraq's consociational experience which has subsequently maintained a grand coalition of sorts in Iraq, is the unwritten rule where Speaker of the Council of Representatives is a Sunni, the President Kurdish, and the Prime Minister Shi'a[61]. But can Iraq's experience be a 'model' for conflict regulation in Afghanistan? By definition a, 'model' is a standard for comparison or imitation which would suggest two parts to this answer: To what extent can we compare Iraq and Afghanistan? And then how successful has Iraq's experience been? To what extent would we want to imitate it?

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To What Extent can Iraq be a Model for Afghanistan?

Concerning comparisons with reference to favourable factors for consociation, both countries have several minority groups all of which are armed which creates a multiple balance of power dynamic. Both countries face what may be thought of as 'external' threats in the form of destabilising regional dynamics and the 'threat' of continued Western meddling in their internal affairs. Thirdly, counting against prospects for successful consociation in both countries, prior to their respective U.S. invasions and the imposition of democratic institutions neither country had multiparty systems in place (let alone moderate multiparty systems). Here the relatively direct similarities end.

One, what may be termed, 'negative' difference between the two countries in the sense that it is favourably present in Iraq, but unfortunately only present to a lesser degree in Afghanistan is territorial segmental isolation. In Iraq, the three ethnic groups are dominant in geographically contiguous and coherent areas but in Afghanistan ethnic groups (also more numerous) are distributed around the country. It is Iraq's segmental isolation that has made Kurdish quasi independence possible and consociational federal arrangements therefore viable.

Conversely, there are several differences between Iraq and Afghanistan which may be seen as 'positive' i.e. suggesting *more* favourable conditions in Afghanistan than Iraq. According to anthropologist Thomas Barfield, the impenetrability of the country's great mountains has greatly impacted Afghan political culture today[62]. Dynastic hierarchical elites drawn from exclusive lineages ruled urban centres while inaccessible mountainous regions were controlled by tribal groups who, with simpler economies were run along more egalitarian principles and rejected outside authority. So historically, 'centralised' power in Afghanistan was more a network based on mutual understanding in the interests of co-existence than a homogenous fully controlled state. Such a tradition of tribal egalitarianism and elite accommodation is still apparent in the use of and respect accorded to Loya Jirga. While Kurdish autonomy within Iraq's federal system is also a form of elite accommodation, Afghanistan's political culture here outlined significantly predates this and exists within Afghan culture as a whole, so arguably runs 'deeper'.

Overarching national loyalties may also be said to be stronger in Afghanistan than Iraq. Though modern-day boarders were only drawn at the end of the 19th century, the term 'land of the Afghans' significantly predates this. Furthermore, the successive invasions from the 19th century onwards have united Afghans in their antipathy to foreign occupation. Thirdly, while territorial control is bitterly contested, none of Afghanistan's provinces is secessionist. In Iraq by contrast, Saddam's catastrophic wars served to undermine Iraqi national loyalties[63] and Kurdistan has long hoped for independence.

Finally, external carrots and sticks, essential in the negotiation and implementation of consociational democracy, are more salient in Afghanistan (at least for the time being). As outlined earlier the U.S. has considerable leverage in Afghanistan while Iraq with its vast oil fields is economically more independent, and thus less manipulable.

Considering these favourable factors for consociation, why was consociation chosen for Iraq and not Afghanistan? Both internal and external reasons exist. In Iraq, the obvious regional independence of Kurdistan had set a precedent of self-rule that would not be reconcilable in a centripetal model, this was not present in Afghanistan (although this aspect may prove to be comparable in current peace talks with the Taliban). Favourable factors for consociation are not equal, some are more salient and segmental isolation is a significant factor. In Iraq decentralisation was also supported by regional and Western actors on the grounds that the last centralised state had funded Palestinian terrorists and attacked its neighbours and Israel[64] – thus consociation was chosen in the interest of regional stability. Finally, decentralisation was generally supported by the Shi'a and Kurds in Iraq who played a major role in the constitutional drafting processes, by contrast it appears that Afghans prefer a centralised system[65], although it is unclear whether this is caused by risk aversion, lack of knowledge or actual antipathy to decentralisation.

To What Extent Should Iraq be a Model?

The second part of our question concerns the relative success of the Iraqi model of power-sharing and whether, even if the two countries are analogous enough, one would want to imitate the Iraqi experience. We will not look here at Iraq's constitutional drafting process which was flawed because it was rushed and secretive[66]; the West has in any

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case learned similar lessons in the Afghanistan. Concerning the success then, of the government structure and electoral systems in place in Iraq since the adoption of its constitution in 2005, the literature seems replete with damning analyses.

Consensus seems to agree that the Iraqi constitution of 2005 institutionalised and reinforced ethno-sectarian claims to power instead of leading to greater inter-communal trust as hoped[67]. The process of de-Ba'athification disenfranchised the Sunni population[68] and this combined with the Shi'a's larger population size and their central role in crafting the constitution, allowed the latter to gain dominance in Baghdad. The rise of Islamic State is seen to have been the direct result of this Sunni marginalisation[69] and the use of political violence continues to be endemic[70].

Further, the constitution is vaguely worded and crucially incomplete, having left the most contentious issues to be addressed in future[71]. This has given rise to informal practises such as the informal application of the proportionality principle beyond the informal grand coalition practise mentioned earlier, which has essentially led to state sanctioned corruption; it is estimated that 25% of Iraq's annual budget is misappropriated in contract fraud. Additionally, the state institutions have become weak as the elite are preoccupied with their share of power (exemplified by inter-Shi'a divisions) and 'self-rule at the expense of shared rule'[72]. This has ultimately led to disenchantment of the population with their elites and a greater alienation of society from the entire system[73]; some blame this more than the Sunni-Shia conflict for state fragility[74]. Protests fuelled by such dissatisfactions have been ongoing since October 2019; they show that there are significant cracks in the system, yet the elite have responded with repression challenging Iraq's very democracy[75]. Thus, the specific informal, liberal consociational model for democracy employed in Iraq since 2005 has not been widely successful.

Implications

So to what extent does Iraq's power sharing experience represent a model for Western led conflict regulation in Afghanistan? Some historical and demographic similarities do exist between Iraq and Afghanistan, but these are outweighed by substantial differences. Considering this, and supported by the premise that "appropriate constitutional design is ultimately contextual (anyway) and rests on the nuances of a nation's unique social cleavages"[76], it may be concluded that Iraq's power sharing experience cannot represent a model for Western led conflict regulation in Afghanistan.

Iraq's consociational experience has furthermore not been exemplary – it has fulfilled integrationist criticisms by entrenching the divisions it sought to heal and its ambiguous and informal design has had severe consequences. Thus, even if the two countries were analogous enough, it would not be recommended to model a new peace agreement on the Iraqi experience.

This is not to say however, that lessons may not be learned from Iraq's experience and applied in Afghanistan, models are after all constantly built upon and altered to improve user experience. Thus, although "it is impossible to predict with certainty or even qualified probability the consequences of a major constitutional change"[77] Western led conflict regulation would do well to apply certain lessons learned in Iraq to Afghanistan.

Firstly, the corruption that is in effect sanctioned by the informality of Iraq's consociational model would likely also occur in Afghanistan (where 85% of the population report corruption to be a major problem in their daily lives[78]) were similar provisions implemented. Ambiguity therefore, while a useful tool when crafting constitutions for deeply divided societies, should be used with care in Afghanistan to avoid reliance on informal arrangements.

Secondly, the fact that Iraq's consociational arrangements appear to have further entrenched societal divisions, should be seen as a major warning for Afghanistan should it embark on further de jure consociational measures in current peace talks. Any proposed government structure and attendant voting system must attempt to address this challenge.

Notes

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[1] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 81.

[2] Jeffry B. Meyers, "Rethinking 'Constitutional Design' And The Integration/Accommodation Dichotomy", *The Modern Law Review* 73, no. 4 (2010): 658, doi:10.1111/j.1468-2230.2010.00813.x.

[3] Arend Lijphart, *Democracy In Plural Societies* (Yale: Yale University, 1977): 4

[4] Ben Reilly and Andrew Reynolds, "Electoral Systems And Conflict In Divided Societies", *International Conflict Resolution After The Cold War*, 2000, 420-421, doi:10.17226/9897.

[5] Lombardi and Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?.": 78.

[6] Jeffry B. Meyers, "Rethinking 'Constitutional Design' And The Integration/Accommodation Dichotomy", *The Modern Law Review* 73, no. 4 (2010): 658, doi:10.1111/j.1468-2230.2010.00813.x.

[7] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 81.

[8] Ibid. 81.

[9] Jeffry B. Meyers, "Rethinking 'Constitutional Design' And The Integration/Accommodation Dichotomy", *The Modern Law Review* 73, no. 4 (2010): 656-678, doi:10.1111/j.1468-2230.2010.00813.x

[10] Lombardi and Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?." 84

[11] Ben Reilly and Andrew Reynolds, "Electoral Systems And Conflict In Divided Societies", *International Conflict Resolution After The Cold War*, 2000, 447, doi:10.17226/9897.

[12] Arend Lijphart, *Democracy In Plural Societies* (Yale: Yale University, 1977): 22-43 *and* Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 84

[13] John McGarry and Brendan O'Leary, "Iraq's Constitution Of 2005: Liberal Consociation As Political Prescription", *International Journal Of Constitutional Law* 5, no. 4 (2007): 675, doi:10.1093/icon/mom026.

[14] Allison McCulloch, "Consociational Settlements In Deeply Divided Societies: The Liberal-Corporate Distinction", *Democratization* 21, no. 3 (2012): 514, doi:10.1080/13510347.2012.748039.

[15] Ibid. 502

[16] Matthijs Bogaards, "Iraq'S Constitution Of 2005: The Case Against Consociationalism 'Light'", *Ethnopolitics*, 2019, 1-17, doi:10.1080/17449057.2019.1654200.

[17] *These two terms will henceforth be used interchangeably*

[18] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 85-86

[19] Lombardi and Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?." 86

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[20] John McGarry and Brendan O'Leary, "Iraq's Constitution Of 2005: Liberal Consociation As Political Prescription", *International Journal Of Constitutional Law* 5, no. 4 (2007): 685, doi:10.1093/icon/mom026.

[21] Ben Reilly and Andrew Reynolds, "Electoral Systems And Conflict In Divided Societies",*International Conflict Resolution After The Cold War*, 2000, 436, doi:10.17226/9897.

[22] Ibid. 425

[23] Ibid.

[24] Ibid. 427

[25] Ben Reilly and Andrew Reynolds, "Electoral Systems And Conflict In Divided Societies",*International Conflict Resolution After The Cold War*, 2000, 425, doi:10.17226/9897.

[26] Ibid. 441

[27] Ibid. 429-435

[28] Ibid. 437

[29] Ibid. 448

[30] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 86

[31] Thomas Barfield, *Afghanistan: A Cultural And Political History* (New Jersey: Princeton, 2010).

[32] Ibid. 3-5

[33] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 89

[34] Prakhar Sharma, "Who Is An Afghan?", *The Diplomat*, 2020, https://thediplomat.com/2020/04/who-is-an-afghan/.

[35] Tabasum Akseer, et al., *Afghanistan In 2019*, A Survey Of The Afghan People (Washington: The Asia Foundation, 2019).

[36] Lombardi and Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?." 91-2

[37] Clark Lombardi and Shamshad Pasarlay, "Consociationalism Vs. Incentivism In Divided Societies: A Question Of Threshold Design Or Of Sequencing?", *Yonsei Law Journal* 9 (2018): 93

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