

WHY CONSOCIATIONALISM  
HAS NOT UNITED IRAQ

by

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A THESIS

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This thesis examines the reasons that consociational theory has been unable to unite Iraq's disparate religious and ethnic communities and prevent sectarian violence. It describes, analyzes and applies Arend Lijphart's theory of consociationalism to Iraq in order to determine if the resulting instability stemmed from theoretical flaws, problems in its application, or if specific characteristics of Iraqi culture caused the power-sharing model to fail. In light of scholarly support for a consociational government in Iraq, this project will explore if consociationalism was attempted in Iraq, and if so, what went wrong in its implementation. To do so, this thesis analyzes Iraq's constitutional provisions in light of Lijphart's theory to determine that it was consociational. Having established this, the thesis then highlights the divisive nature of Iraq's constitutional process and the intensified Shi'a-Sunni tensions that resulted. Lastly, it considers theoretical criticisms of consociationalism with regard to Iraq, specifically highlighting the role of key Shi'a and Sunni leaders in eroding inter-ethnic relations. This analysis of consociationalism's failure in Iraq highlights the points of departure from inter-group cooperation in Iraq and draw conclusions about the causes for current Shi'a-Sunni tensions.

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## PART I: INTRODUCTION

### I. CONSOCIATIONALISM IN IRAQ

Despite scholarly hope that a “power-sharing” government could unite Iraq’s ethnic communities by inducing them to cooperate, the rampant sectarian violence, disillusionment with the government, and an alienated political elite in 2006 prove that this has not been successful. In 2006, Iraq reported record casualties, increased Sunni-Shi’a violence and an Iraqi government that has been unable to successfully curb these inter-ethnic tensions. Foreseeing and hoping to avoid this very problem, in 2004 and 2005, many political scientists and military strategists theorized about the best way to stabilize post-Saddam Iraq. Many believed that Arend Lijphart’s model of consociationalism could create a stability in an otherwise ethnically divided Iraq. Lijphart believes that consociationalism, a system of government designed to address ethnic tensions through a cooperative political elite and formalized power-sharing institutions, “open[s] up the possibility of viable democracy even where the social conditions appear unpromising” to its establishment.<sup>1</sup> Given Iraq’s prominent ethnic divisions and tense Sunni-Shi’a relationship, such a model could be ideal to address the concerns of each community. Accordingly, if Iraq’s constitution did reflect these consociational principles, the 2006 instability and violent Shi’a militias and Sunnis insurgent groups are surprising and suggest the consociational model was unsuccessful. With consideration of these problems, this paper will explore if consociationalism was ever fully attempted in Iraq, and if so, endeavor to identify the problems in its implementation that resulted in the current instability and sectarian violence.

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<sup>1</sup> Arend Lijphart, *Politics of Accommodation* (Berkeley: University of California Press, 1968). 211.

Evaluation of this recent attempt at consociationalism will reveal the importance of Lijphart's favorable factors, the impact of external actors, and highlight problems that may have contributed to the ultimate failure of power-sharing. In context of Lijphart's assertions that consociationalism could theoretically work despite unfavorable conditions, study of its attempt in Iraq will emphasize processes and factors to be prioritized to best ensure future successes. Such insights could prove useful in future attempts at consociationalism. Specifically, this examination will evaluate the importance of efforts to avoid procedural problems in constitutional drafting or endeavors to induce some of Lijphart's favorable factors when they are not otherwise present. As a recent example of an attempt at consociationalism in an ethnically divided society, Iraq's application of Lijphart's theoretical model demonstrates much about the practical application of power-sharing governments.

## II. METHODOLOGY

To determine if Iraq's constitution is consociational, and if so, why it did not work to ameliorate ethnic tensions, I will examine this case study in light of consociational theory. In order to evaluate the consociational nature of post-Saddam Iraq, I will first describe Lijphart's theory of consociationalism and explain the criteria of consociational governments. To establish the need for this in Iraq, I will then look at its divided ethnic communities and the consequent need to establish a government that will incorporate minority perspectives into a coalition government. Additionally, I will establish that both military strategy and scholarly position papers advocated a consociational government in Iraq, lending additional credibility to the need to examine Lijphart's theory's applicability. Having thus established the need for a power-sharing

government, I will analyze Iraq's proposed 2005 constitutional provisions to determine their compliance with Lijphart's criteria for a consociational state. Through this analysis, I will ascertain the nature of Iraq's constitution and its adherence with consociationalism.

Upon determination that consociationalism was in fact attempted in Iraq, I will examine the reasons for the 2006 instability and sectarian violence. Through examination of the constitutional drafting and ratification process, I will determine key events and factors that alienated Sunni and Shi'a leaders and exacerbated inter-ethnic tensions, as these factors likely also decreased the likelihood of the elite cooperation needed in consociationalism. In light of these procedural problems, perhaps Iraq was not well suited to a consociational government. An application of Lijphart's and other theorists' outlined favorable factors likely to yield a stable power-sharing system to Iraqi society will reveal whether such optimistic support for consociationalism in Iraq was justified. Application of these theoretical criteria to Iraq's societal characteristics may explain some of the reasons for its failure. Lastly, I will look at some theoretical criticisms of consociationalism to determine their applicability to Iraq. Depending on these criticisms and Iraq-specific factors, these could also help account for consociationalism's failure in Iraq.

Additionally, as these procedural and theoretical problems question the feasibility of consociational governments, I will consider the problems in Iraq in comparison to consociational efforts in other countries in order to reveal if they are typical of power-sharing governments. Specifically, I will look at Lebanon's consociational government as a regionally relevant example. Through examination of the constitution and Lijphart's



theory, I will determine key factors that have caused Iraq's instability and increased Sunni-Shi'a tension.

## PART II: EXAMINING CONSOCIATIONAL THEORY

### III. AREND LIJPHART'S THEORY

Political science theorist Arend Lijphart's theory of consociationalism outlines a method to construct democracies in ethnically divided societies through political institutions that accept community differences and manage conflict. As a formal system to promote government through power-sharing, consociationalism has been successfully used in plural nations like The Netherlands and Switzerland, and with limited success in Northern Ireland or India, in order to manage inter-group conflict and prevent violent ethnic-based civil war. Based on its past success, many political scientists have identified consociationalism as an optimal model in the construction of new democracies.

According to Lijphart, emerging democracies require increased efforts to incorporate diverse ethnic and religious minorities into the government. Ethnic divisions often form the basis of political cleavages, which then translate into conflicting demands for political power.<sup>2</sup> Moreover, Lijphart notes that it is:

more difficult to establish and maintain democratic government in divided than in homogeneous countries. The experts also agree that the problem of ethnic and other deep divisions is greater in countries that are not yet democratic or fully democratic than in well-established democracies, and that such divisions present a major obstacle to democratization in the twenty-first century.<sup>3</sup>

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<sup>2</sup> Alejandro Moreno, *Political Cleavages: Issues, Parties and the Consolidation of Democracy* (Boulder: Westview Press, 1999) 17.

<sup>3</sup> Arend Lijphart, "Constitutional Design for Divided Democracies," *Journal of Democracy* 15.2 (2004).

Consequently, the establishment of new democracies should emphasize institutions designed to address ethnic tensions. Different cleavages' efforts to attain political representation and power in nascent democracies often focus on "the redistribution of power,"<sup>4</sup> and therefore the structure of new governing systems is often seen as a tool to engineer such distribution of power. Given the prominence of political cleavages and ethnic divisions in heterogeneous countries, Lijphart's theoretical attempts to manage ethnic differences in democracies are especially relevant.

His definition of consociationalism evolved empirically from critical evaluation of the unexpected political stability in The Netherlands, a country noted for its political, religious, and class cleavages. These divisions were deeply entrenched in Dutch society, and as such, The Netherlands' political stability and peacefulness was somewhat surprising to many political scientists. To explain this, Lijphart studied the unique characteristics that enabled cross-community governance in The Netherlands to form the backbone of his political theory of consociationalism. He also notes the aspects of political and cultural life in The Netherlands that facilitated this stability and peace and identifies them as societal factors conducive to consociationalism.

Lijphart's theory defines consociationalism as a power-sharing form of democracy best suited to manage conflict between divided communities. Despite its differences from majority-rule democracies, Lijphart believes that "consensus democracy may be considered more democratic than majoritarian democracy in most respects"<sup>5</sup> because it prioritizes inclusion of the electorate's myriad viewpoints. As such, the model

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<sup>4</sup> Alejandro Moreno, *Political Cleavages: Issues, Parties, and the Consolidation of Democracy* (Boulder: Westview Press, 1999) 17

<sup>5</sup> Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999) 7.

attempts to foster peace and stability in divided societies through an emphasis on consensus-building between different ethnic groups. Additionally, Lijphart believes that in societies with entrenched ethnic divisions, self-imposed separation from other groups can be beneficial, as it allows communities to flourish while minimizing the potential for conflict. With these guiding goals, consociational theory outlines four main criteria: a grand coalition of political elite, proportionality, mutual veto and regional autonomy for different ethnic communities.

A multiparty grand coalition comprised of elites, or political leaders, from different societal communities governs consociational democracies. Lijphart encourages these leaders to work across community boundaries. He believes that an enlightened elite governing group will seek to compromise in a larger effort to maintain national stability. Additionally, a government with many political parties may foster compromise as different parties need to work together in order to build a majority in the government.

Lijphart further argues that consociational democracies should adhere to the principle of proportionality. For Lijphart, proportionality means that government resources must be allocated in rough proportion to the size of each minority (or majority) group, including government funding, civil service positions, and educational opportunities. This ensures that groups feel that they have fair access to government resources. Furthermore, Lijphart advocates for proportional representation in elections<sup>6</sup> to ensure fair legislative representation of different ethnic and religious groups.

Proportional representation is especially important in ethnically divided societies because

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<sup>6</sup> Lijphart advocates for party-list proportional representation, in which citizens vote for a political party, and in proportion to the percentage of overall votes received, parties appoint candidates in accordance with a prioritized list.

it ensures fair representation in government and promotes the idea that the government is responsive to the needs of all its constituents.

Lijphart's principle of mutual veto ensures that political elites work to compromise and reach consensus. Such systems of mutual veto may involve requirements of a supermajority to pass contentious legislation. For example, in Northern Ireland's Good Friday Agreement, contentious bills like the annual government budget require significant approval from all major groups. Such mechanisms promote cross-community collaboration because a small majority must consider minority needs in order to pass legislation. As such, all groups can participate and shape government action.

Lastly, consociationalism requires group autonomy. Autonomy for ethnic communities can be, but does not need to be, achieved through the creation of separate federal regions with the power to oversee and govern internal affairs. Though Iraq is not currently a consociational government, Iraq's Kurdish region provides a good example of regional autonomy because it has the power to oversee educational institutions and has a strong internal political system.<sup>7</sup> Group autonomy need not be limited to physically separated regions, however. In cases where ethnic communities are not geographically separate, autonomy can translate to regional funding control for community resources, like schools and cultural institutions. This enables communities' self-determination and the ability to feel that the government recognizes the unique needs of different communities.

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<sup>7</sup> Brendan O'Leary, "Power-Sharing, Pluralist Federation, and Federacy for Iraq," *The Future of Kurdistan in Iraq* (Philadelphia: University of Pennsylvania Press, 2005) 77.

#### IV. FAVORABLE FACTORS FOR CONSOCIATIONALISM

In his theory of consociationalism, Lijphart posits that all societies could successfully implement and benefit from a consociational model. Many scholars criticized his theory because they claimed that it does not consider the individual differences or specific needs of a given society. However, Lijphart claims that “power sharing has proven to be the only democratic model that appears to have much chance of being adopted in divided societies,”<sup>8</sup> and insists that the model should be adapted or varied to fit the needs of each country. Given the varying degrees of success of consociationalism in societies ranging from Belgium and Bosnia to Northern Ireland and Lebanon, it appears that consociationalism can manage ethnic differences and promote stability to some extent in a wide range of cultural settings. These various case studies suggests that, if applied with regard to the specific cultural, ethnic, political or historical context of a given country, consociationalism can yield some degree of stability.

However, Lijphart further qualifies his claim that consociational power sharing is the best option for ethnically divided countries through his empirical data regarding the shared traits of countries that are more able to successfully implement the model. Typically, these traits refer to either the political or social culture, or both.<sup>9</sup> Since the success of consociational democracies hinges upon cooperation between political elite of different communities, factors that encourage political cooperation also contribute to the success of consociationalism (See Appendix 2). These factors include a history of political accommodation among political parties and elites, cross-community shared perception of an external threat, and a pervasive desire to maintain national unity despite

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<sup>8</sup> Arend Lijphart, “Constitutional Design for Divided Democracies,” *Journal of Democracy* 15.2 (2004).

<sup>9</sup> Matthijs Bogaards, “The Favourable Factors for Consociational Democracy: A Review,” *European Journal of Political Research* 33.4 (1998) 475-496.

ethnic differences. Furthermore, the previous existence of a multi-party political system and overarching loyalty to a national government both also increase the likelihood of a successful consociational democracy because they indicate that the political elite share a commitment to a national government. These factors reveal a tendency for consociationalism to be more successful in societies with a predisposition to cooperation and an understanding of a multi-party power sharing system. Based on Lijphart's theory, the presence or absence of these traits would help predict the extent of consociationalism's success in Iraq if it was to be attempted.

Consociationalism proponents Brendan O'Leary and John McGarry expand upon Lijphart's favorable factors and claim that benign external nations supporting consociational efforts within a given country can help foster a successful democracy. For example, O'Leary and McGarry cite Northern Ireland's Good Friday Agreement efforts to use consociationalism to unite Nationalists and Unionists. They argue that Northern Ireland's attempts at consociationalism benefited from "benign exogenous action,"<sup>10</sup> and specifically from the United Kingdom and Ireland. When considered in the context of Lijphart's proposition that commonly perceived external threats unite disparate groups, O'Leary and McGarry's additional criteria suggest that external actors must be perceived as fair and equally favorable to all parties. If preference for a particular group is perceived, this will create additional barriers to cooperation between ethnic cleavages because it will create a seeming disparity and thus exacerbate ethnic tensions. Such exacerbated Sunni-Shi'a will thus diminish the possibility of elite cooperation and, by extension, consociationalism.

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<sup>10</sup> John McGarry and Brendan O'Leary. "Consociational Theory, Northern Ireland's Conflict, and its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland," *Government & Opposition*, 41 (2006) 43-63.

Based on these factors, with special attention to Lijphart's claim that consociationalism can succeed in any society and the problems posed by the seeming contradictions between Lijphart's and O'Leary and McGarry's perception of external actors, I will determine if the initial scholarly presence for a consociational Iraq was rooted in these factors. Through examination of the presence, or lack thereof, of these factors, I will argue that while consociationalism was still possible in accordance with Lijphart's claim, implementation and procedural problems, a lack of favorable factors and relevant theoretical critiques reduced the likelihood of its successful implementation.

## PART III: A DIVIDED IRAQ

### V. IRAQ DEMOGRAPHICS AND ETHNO-RELIGIOUS CONFLICT

Iraq's pervasive ethnic and religious divisions evidence the need for governmental structures that both ensure stability and facilitate power sharing. Though no official census data exist outlining Iraq's exact ethnic or religious makeup, the CIA World Fact Book estimates that Iraq is 32-37% Sunni Muslim, 60-65% Shi'a Muslim, and 3% other religions, including Christians.<sup>11</sup> Ethnically, Iraq is 75-80% Arab, 14-20% Kurdish, and 5% Turkoman, Assyrian and other groups.<sup>12</sup> (See Appendix 3).

Within Iraq, Sunni and Shi'a<sup>13</sup> have historically opposed each other about the distribution of power. That concern, coupled with opposing views about issues like the

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<sup>11</sup> CIA. "Iraq." *The World Factbook* (2007) <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

<sup>12</sup> CIA. "Iraq." *The World Factbook* (2007) <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

<sup>13</sup> Sunni and Shi'a are different sects of Islam. Worldwide, Sunnis are the largest group of Muslims, but Shi'a are a majority in Iraq and Iran, among other countries. The religious distinction between Sunni and Shi'a Muslims is based on the differing beliefs who the Caliph, or leader, of Islam should have been after the Prophet Muhammed died.

role of U.S. and other foreign actors, Iraqi autonomy, and de-Baathification<sup>14</sup> has prompted violence between Shi'a militias and Sunni insurgencies. Given the political salience of these ethnic groups, a majoritarian democracy (with a structure similar to the United States) would not likely be a good fit because majority votes could result in the permanent exclusion of minority populations from the government and would not address the violence stemming from Iraqi ethnic and religious divisions. As such, it is essential that a democratic Iraq provide meaningful ways for members of different ethnic and religious groups to participate in the government in order to reduce ethnic tensions.

#### VI. SCHOLARLY AND MILITARY PREFERENCE FOR CONSOCIATIONALISM

To manage these religious and ethnic tensions, scholars have advocated the implementation of consociationalism in Iraq. Consociationalism's provisions for power-sharing structures would allow Sunni and Shi'a populations to share power in the new Iraqi government and would enable both sects to participate in decision-making. Theoretically, such inclusion would ensure that participating minority and majority groups feel fairly represented and realize that they can best advocate their community's interests by participating in the government. As Ari Ozdogan wrote in his 2005 support of consociationalism in Iraq, "consociational democracy maximizes the equal opportunity among the different groups in terms of political power and socioeconomic conditions."<sup>15</sup> Such participation and opportunity promotes stability because the belief that a community can best resolve conflicts through the governmental process results in an increased probability of reliance on peaceful means and government institutions to

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<sup>14</sup> De-Baathification refers to U.S.-led Coalition Provisional Authority's decision to ban members of the Iraqi Baath Party (of which Saddam Hussein was a member) from participation in the new government.

<sup>15</sup> Ari Ozdogan, "Democracy for the New Iraq," *Journal of Turkish Weekly*, 16 May 2005.



address problems. Though they question the feasibility of such a model, in 2003 Daniel Byman and Kenneth Pollack acknowledged the scholarly appeal of consociationalism. They wrote that “one of the most commonly suggested forms for a post-Saddam Iraqi government would be...a consociational oligarchy”<sup>16</sup> In light of the militias and insurgencies dividing Iraq’s religious communities, policies promoting peaceful conflict resolution and utilization of the government would be beneficial. This trend of scholarly preference for consociationalism in Iraq is further evident in the Institute of World Affairs’ roundtable report, which concluded that “an adapted consociational model would be a good starting point in Iraq.”<sup>17</sup> Despite hesitations about the specific adaptations necessary in order for consociationalism to succeed in Iraq, much scholarly work exists demonstrating a clear preference for some version of Lijphart’s model.

In addition to scholarly support and theoretical reasons advocating consociationalism in Iraq, the United States strategy for rebuilding national infrastructure also demonstrates a military preference for the tenets of consociationalism. This preference stems from a belief that such a model would ensure Iraqi stability and minimize Sunni-Shi’a conflict. As the U.S-U.K. coalition is heavily involved in the rebuilding process, its strategy for a democratic Iraq is relevant.

Given the presence of diverse ethnic and religious groups and continued polarization of the Shi’a and Sunni communities, the United States-led Coalition Provisional Authority outlined a goal of ensuring unity and peaceful management of

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<sup>16</sup> Daniel L Byman and Kenneth M. Pollack, “Democracy in Iraq?” *The Washington Quarterly*, Summer 2003: 119-136.

<sup>17</sup> Institute of World Affairs, Investigating Democracy Roundtable Series, *Consociational Democracy: The Lebanese Experience & The Iraqi Endeavor*, 10 Nov. 2006  
<http://www.iwa.org/Publications/Lectures/full%20roundtable%20report-%20Consociational%20Democracy.pdf>.

ethnic and religious differences. While not explicitly advocating consociationalism in Iraq, it certainly emphasizes the same goals. Specifically, the United States National Strategy for Victory in Iraq outlines the goal of “creat[ing] space for compromise across ethnic and religious divides and for the steady growth of national institutions.”<sup>18</sup> This goal reflects consociationalism’s principles of a grand coalition of governing elites and proportionality, and further evidences political leaders’ and political scientists’ support for a power-sharing arrangement in Iraq.

The contrast between the current situation in Iraq and the hope for consociationalism as a means to manage conflict is surprising. In light of the support for consociationalism from academics and invested stakeholders in addition to consociationalism’s historical successes, the instability in 2006 Iraq suggests that some aspect of consociationalism did not work or was not tried. I will explore if consociationalism was ever fully attempted in Iraq, and if so, what went wrong in its implementation.

## PART IV: CONSOCIATIONAL ATTEMPTS & FAILURE

### VII. ANALYSIS OF IRAQI CONSTITUTIONAL PROVISIONS

Examination of Iraq’s constitutional provisions suggests that consociationalism, as Lijphart envisioned it, was attempted. Based on an evaluation of the constitution’s provisions for a regional autonomy, a grand coalition government, mutual veto rights and

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<sup>18</sup> National Security Council. “National Strategy for Victory in Iraq.” 2005  
[http://www.whitehouse.gov/infocus/iraq/iraq\\_strategy\\_nov2005.html#part2](http://www.whitehouse.gov/infocus/iraq/iraq_strategy_nov2005.html#part2).

proportionality, it appears that the constitution did contain some consociational provisions.

Specifically, the constitution did contain federal provisions aimed at providing autonomy to Kurdish, Sunni and Shi'a communities.<sup>19</sup> However, while this complies with consociationalism's autonomy goals, it does so while alienating Sunnis, who favored a decentralized Iraq instead of federal regions. While providing this degree of self-sufficiency may have been ideal, opting for such federation given the Sunni's intense opposition to it may have actually undermined consociationalism's chances for success.<sup>20</sup> Nevertheless, these efforts to accommodate the needs of both communities demonstrate the constitution's inclusion of an important component of consociationalism. The constitution outlines that all powers not exclusively reserved for the federal government "shall be the powers of the regions,"<sup>21</sup> and also protects the rights of regions to oversee regional educational institutions and security forces. Such delegation of governmental power represents the commitment to regional autonomy that consociationalism requires while paradoxically simultaneously intensifying tensions between religious sects.

The constitution also allows for a grand coalition of governing elites, in accordance with Lijphart's criteria. Article 62 creates a Federation Council, a legislative body that will "include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-third majority of the member of the

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<sup>19</sup> Nathan Brown, "The Final Draft of the Iraqi Constitution: Analysis and Commentary," *Carnegie Endowment for International Peace* (2005) <http://www.carnegieendowment.org/files/FinalDraftSept16.pdf>.

<sup>20</sup> Sunnis feared that federalism would lead to Iraq's dissolution and instead preferred decentralization, which allowed for provincial autonomy but did not allow provinces to have individual constitutions and border guards.

<sup>21</sup> Iraq Constitution. *United Nations*. Retrieved January 15, 2007 from [http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf).

Council of Representatives, shall regulate the Federation Council formation.”<sup>22</sup> While the specific regulations about membership and function this council were not explicitly outlined in the constitution, this reflected a concrete attempt to create a coalition style governing body. This Federation Council would be one of two legislative bodies (the other is the Council of Representatives), and while it was clearly intended as a law-making body, its authority is undefined.<sup>23</sup> The constitution’s creation of the Federation Council demonstrates a clear attempt to comply with consociationalism’s doctrines.

Conversely, the Shi’a-dominated drafting committee’s preference for majoritarianism limited the constitution’s consociational aspects because the majority’s views impinged upon the principle of mutual veto rights and did not require minority consent in order to pass bills. Shi’a comprised a majority of the constitutional committee and are a majority in Iraq, and as such, the constitution’s provisions allowed for majority rule to some extent. These majoritarian principles would clearly benefit the Shi’a majority. This is evident in “a major feature in the new Constitution is the shift from consociational to majoritarian rule,”<sup>24</sup> partially because the document replaced the transitional government’s Presidential Council (where the three members all had mutual veto power) with “a ceremonial presidency with no powers.”<sup>25</sup> The previous three-person Presidency allowed for Sunni, Shi’a and Kurdish leaders to veto actions or laws that they perceived as detrimental to their constituencies, but under the new constitution

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<sup>22</sup> Iraq Constitution. *United Nations*. Retrieved January 15, 2007 from [http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf).

<sup>23</sup> CIA. “Iraq.” *The World Factbook* (2007) <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

<sup>24</sup> Faleh Jabar, *The Constitution of Iraq: Religious and Ethnic Relations*. London, Minority Rights Group International, 2005. <http://www.minorityrights.org/admin/download/pdf/IraqMicro2005.pdf>.

<sup>25</sup> Faleh Jabar, *The Constitution of Iraq: Religious and Ethnic Relations*. London, Minority Rights Group International, 2005. <http://www.minorityrights.org/admin/download/pdf/IraqMicro2005.pdf>.

this was no longer allowed. As such, Iraq's constitution does not meet Lijphart's criteria for mutual veto rights.

Despite the majoritarian aspects of the ceremonial presidency, other aspects of Iraq's constitution reflect Lijphart's principle of proportionality. Specifically, the constitutional provisions mandate "fair distribution of grants, aid, and international loans"<sup>26</sup> and the establishment of a public commission composed of federal regions, governorates and parts of Iraq not established in a region<sup>27</sup>, but do not outline how these goals will be accomplished. Given Sunni opposition to, and Kurdish preference for, a federalized Iraq, this lack of clarity could result in the implementation of laws that would alienate either community. While consensus on this issue would have been difficult to reach in the hasty drafting process, a clear understanding of the nature of this proportionality and the role of federal regions could have prevented future conflict. Furthermore, it could have allowed for all parties, instead of just those in power at the time of the provision's implementation to guide the law's direction.

However, despite the lack of clarity for some of the laws outlining proportionality, other aspects of the Iraqi constitution produced a system of proportional representation. Though the constitution "gives little guidance on how an election law should be written,"<sup>28</sup> the resulting electoral laws were proportional. Currently, the Independent Electoral Commission of Iraq (IECI) oversees elections. The IECI describes the Iraqi electoral process as "mainly a governorate based system [where] 230 seats are appointed

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<sup>26</sup> Iraq Constitution. *United Nations*. Retrieved January 15, 2007 from [http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf).

<sup>27</sup> Iraq Constitution. *United Nations*. Retrieved January 15, 2007 from [http://portal.unesco.org/ci/en/files/20704/11332732681iraqi\\_constitution\\_en.pdf/iraqi\\_constitution\\_en.pdf](http://portal.unesco.org/ci/en/files/20704/11332732681iraqi_constitution_en.pdf/iraqi_constitution_en.pdf).

<sup>28</sup> Nathan Brown. "The Final Draft of the Iraqi Constitution: Analysis and Commentary." *Carnegie Endowment for International Peace*, (2005), <http://www.carnegieendowment.org/files/FinalDraftSept16.pdf>.

among the 18 governorates in proportion to the number of persons registered to vote.”<sup>29</sup> (See Appendix 1) The IECI asserts that this process is “part of a larger family of proportional representation”<sup>30</sup> systems which establish that the IECI’s laws mirror those of other countries with Proportional Representation. This directly corresponds with Lijphart’s principle of proportionality. Such a system prioritizes representation of the diverse communities of a nation. Additionally, the IECI reserves 45 seats to allocate to non-elected representatives. Some of these seats will go to political parties that do not gain any seats but still earn at least 1/275 (the established threshold) of the total votes cast in the national election. The IECI allocates other seats to reward parties that won a majority of votes both in governorates and nationwide. This election law and its outlined plan for proportional representation complies with consociational principles, and demonstrates an additional way in which Iraq attempted consociationalism. Though the electoral system was not explicitly outlined in the constitution, the resulting legislation was proportional.

As such, the constitution complied with Lijphart’s criteria for consociational governments through its emphasis on regional autonomy and a grand coalition of governing elites. Though lacking in provisions protecting minority veto rights, Iraq’s constitution prioritizes Lijphart’s principles of consociational governments through articles that resulted in proportional representation electoral laws and proportional distribution of government resources. While minority veto rights could be strengthened, Iraq’s constitution mostly complies with the framework of Lijphart’s consociational

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<sup>29</sup> Independent Electoral Commission of Iraq. *FAQs and Factsheets: 15 December Electoral System*. [http://www.ieciraq.org/English/Frameset\\_english.htm](http://www.ieciraq.org/English/Frameset_english.htm).

<sup>30</sup> Independent Electoral Commission of Iraq. *FAQs and Factsheets: 15 December Electoral System*. [http://www.ieciraq.org/English/Frameset\\_english.htm](http://www.ieciraq.org/English/Frameset_english.htm).

theory. Given Iraq's consociational constitution, by Lijphart's logic it should have resulted in peaceful power-sharing and diminished ethnic tensions.

#### VIII. IRAQ IN 2006: CONSOCIATIONALISM IS UNSUCCESSFUL

Despite attempts at consociationalism, in December 2006 nearly 1.6 million people had been displaced in Iraq and 1.8 million had fled the country, largely due to the pervasive sectarian violence.<sup>31</sup> As such, while consociationalism could have helped to prevent the complete dissolution of Iraq, the high levels of ethnic conflict and violence evidence that consociationalism did not meet its goal of stability. As of the publication of the Baker-Hamilton Commission's Iraq Study Group Report, "violence [in Iraq] is increasing in scope, complexity, and lethality [from] Sunni Arab insurgency, al Qaeda and affiliated jihadist groups, Shi'a militias and death squads, and organized criminality."<sup>32</sup> The Baker-Hamilton Commission further noted that "sectarian violence has become the principal challenge to stability."<sup>33</sup> This increasing violence is predominantly focused between Sunni and Shi'a religious sects and has compromised any attempt at Iraqi stability. The 2006 chaos is exactly the type of situation that consociational governments hope to prevent.

In addition to sectarian violence and instability, Iraq's government has not adhered to consociationalism's power-sharing tenets and the principle of inter-ethnic elite cooperation. Despite the constitution's creation of consociational government institutions, "the composition of the Iraqi government is basically sectarian, and key players within

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<sup>31</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 4.

<sup>32</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 3.

<sup>33</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 3.

the government too often act in their sectarian interest'.<sup>34</sup> As such, the consociational attempts did not prevent ethnocentric governmental officials from non-cooperation with other religious groups. Though Iraqi leaders have demonstrated some willingness to heed the needs of minority groups by agreeing to consider the necessity of constitutional amendments, these prevailing sectarian interests have prevented policies addressing Sunni concerns. Additionally, because "Iraqi leaders view issues through a sectarian prism,"<sup>35</sup> efforts at cross-community compromise have been limited and unsuccessful at quelling increasing insurgent and militia violence. Such "sectarian prisms" result in a polarized Iraq and governing elite who are primarily concerned with their ethnic or religious group, rather than with national concerns. Analysis of Iraq in 2006, specifically with respect to violence and the polarized political elite, reveals that consociationalism had not been successfully implemented.

Given the previous analysis of the Iraqi constitution's consociationalism provision, and the wide respect for consociational theorizing among political scientists and policy-makers, this failure is surprising. Since the governing institutions theoretically aligned with consociational principles, this failure prompts further exploration. This failure may have resulted from inherent flaws in Lijphart's model, or could mean that Iraq may not have been suited for consociationalism in light of the favorable factors. Additionally, this failure could have resulted from a flawed implementation process.

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<sup>34</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 15.

<sup>35</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 15.



## PART V. THE CONSTITUTIONAL PROCESS

### IX. DRAFTING THE CONSTITUTION

Examination of the role of the constitution drafting process reveals that Sunnis' perceived exclusion hindered consociationalism's implementation. In a 2005 referendum, most Iraqi citizens approved a national constitution aimed at establishing a democratic regime. While many hailed the approval of the constitution as a positive step toward national reconciliation and peace, the drafting process itself may have significantly contributed to the failure of cross-community compromise and consociationalism. The contentious process of drafting the constitution divided Iraqis along religious lines. Sunnis criticized the constitution based on claims of exclusion from meaningful participation in the decision-making process. In July 2005, 15 Sunni Arabs joined the constitutional drafting committee, and their dissent from Shi'a and Kurdish viewpoints impeded decision making. One Sunni Arab member, Mijbel Sheikh Issa, reported in an interview (one half hour before his assassination):

Kurdish and Shiite brothers are trying to impose their notion of federalism without consulting us. They have already made their decision. We Sunnis joined the committee very late. They thought they had chosen the Sunnis who would not discuss matters with them. They thought that we would come and sign the papers.<sup>36</sup>

Issa's sentiments demonstrate the Sunni alienation from the constitutional process. This alienation is especially detrimental to the possibility of a consociational government because it reduces the Sunni's loyalty to a national government. Such loyalty and faith that the government can resolve conflict is essential to preventing violent attempts to

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<sup>36</sup> International Crisis Group, Policy Briefing: "Unmaking Iraq: A Constitutional Process Gone Awry." 26 Sept. 2005.  
[http://www.crisisgroup.org/library/documents/middle\\_east\\_\\_north\\_africa/iraq\\_iraq\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east__north_africa/iraq_iraq_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

redress wrongs, as is seen in militia and insurgent groups. Because “the extent to which the Committee was able to operate as a forum for the expression of Sunni Arab constitutional positions...was marginal at best”<sup>37</sup> it is unlikely that the Sunnis would have much faith in the constitution’s provisions or the ensuing government, thus increasing the likelihood that sectarian groups will use violence to address community concerns. Additionally, this alienation reveals the inability of Sunni, Shi’a and Kurdish delegates to work together, which could have further impeded the successful implementation of consociationalism by fragmenting Iraq’s political elite.

In addition to communication problems and allegations of exclusion during the constitutional drafting process, discussion of some of the constitution’s provisions also exacerbated ethnic differences and conflict. Specifically, as Issa mentioned above, Sunnis opposed the Shi’a and Kurdish attempts to create a federal Iraq because of concerns that federalism would ultimately lead to the disintegration of the nation.<sup>38</sup> Nevertheless, the constitution outlines a federal structure for Iraq with geographically-based governorates. Furthermore, the constitution’s references to De-Ba’athification<sup>39</sup> caused Sunnis to protest that “this blanket ban [of Ba’ath party members] could be used to arbitrarily lustrate or otherwise punish them, with De-Ba’athification turning into ‘de-Sunnification’”<sup>40</sup> because the Ba’ath party was primarily Sunni. This exclusion of Sunni

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<sup>37</sup>Jonathan Morrow, United States Institute of Peace, “Iraq’s Constitutional Process II: An Opportunity Lost.” November 2005, <http://www.usip.org/pubs/specialreports/sr155.pdf>. p 9.

<sup>38</sup> International Crisis Group, Policy Briefing: “Unmaking Iraq: A Constitutional Process Gone Awry.” 26 September 2005. [http://www.crisisgroup.org/library/documents/middle\\_east\\_\\_\\_north\\_africa/iraq\\_iraq\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east___north_africa/iraq_iraq_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

<sup>39</sup> De-Ba’athification refers to the exclusion of many members of the Iraqi Ba’ath party from participation in the new Iraqi political process. Saddam Hussein, a Sunni, was a member of the Ba’ath Party.

<sup>40</sup> International Crisis Group, Policy Briefing: “Unmaking Iraq: A Constitutional Process Gone Awry.” [http://www.crisisgroup.org/library/documents/middle\\_east\\_\\_\\_north\\_africa/iraq\\_iraq\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east___north_africa/iraq_iraq_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

leaders angered the Sunni community. These disagreements about the constitution's content, in conjunction with perceived attempts to exclude the Sunni representatives intensified inter-group tensions, and thereby decreased the possibility of reaching a consociational compromise. As a result, the drafting process decreased the likelihood of Shi'a, Sunnis, and Kurds sharing power peacefully.

In an effort to meet the Transitional National Authority's deadlines for constitutional drafting and ratification, the process was hasty and neglected to properly invest and include the Sunni population. Such exclusion was evident when "on 28 August [2005], the leadership of the Shi'a and Kurdish communities decided that an agreement with Sunni Arabs could not be reached and presented the draft to the TNA as final over the latter's angry objections."<sup>41</sup> This decision to move forward without consideration of the complaints of the Sunni representatives on the constitutional committee demonstrates an overall unwillingness to work with different communities. Such actions made Sunni resentment legitimate not only of the resulting constitution, but also of those parties involved in its drafting. Because of this exclusion, the International Crisis Group believes that "clearly, the constitutional process has further entrenched ethnic-sectarian identities in ways that bode ill for the country's future."<sup>42</sup> Through this controversy of ethnic divisions, constitutional provisions lack needed legitimacy from Sunnis. Additionally, the process undermined any efforts to ameliorate tensions between

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<sup>41</sup> International Crisis Group, Policy Briefing: "Unmaking Iraq: A Constitutional Process Gone Awry." [http://www.crisisgroup.org/library/documents/middle\\_east\\_\\_north\\_africa/iraq\\_iran\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east__north_africa/iraq_iran_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

<sup>42</sup> International Crisis Group, Policy Briefing: "Unmaking Iraq: A Constitutional Process Gone Awry." [http://www.crisisgroup.org/library/documents/middle\\_east\\_\\_north\\_africa/iraq\\_iran\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east__north_africa/iraq_iran_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

Sunni and Shi'a because of the Sunni's perceived inability to meaningfully participate in the discussion.

Examination of this process in light of Lijphart's favorable factors for consociationalism reveals that the constitutional drafting decreased the likelihood of successfully implementing power sharing. Specifically, Lijphart names a history of accommodating behavior amongst the political elite as an important, albeit not required, factor in the development of a consociational democracy. Consociational theorist Matthijs Bogaards agrees, writing that "a tradition of elite accommodation, intensive communication democracy between elites and the absence of a majority group...are equally helpful in maintaining consociational democracy."<sup>43</sup> Such accommodation is important because in a consociational arrangement, the political elite, or leaders, must acknowledge that power-sharing may require compromise, and at minimum, willingness to work with leaders from different ethnic groups. The inability of Sunni and Shi'a elite to collaborate throughout the drafting process marks an important example of elite non-cooperation that undermined Lijphart's goal of elite accommodation.

Furthermore, vague constitutional provisions impeded clear constitutional provisions and may have contributed to the difficulty of maintaining a stable and peaceful Iraq. Scholarly criticism of Iraq's constitution emphasizes this ambiguity as contributing to ethnic conflict. The International Crisis Group agrees, claiming that:

Key passages, such as those dealing with decentralization and with the responsibility for taxation, are both vague and ambiguous and so carry the seeds of future discord. Many vital areas are left for future legislation that will have less standing than the constitution be more vulnerable to amendment and bear the

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<sup>43</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.

sectarian imprint of the Shiite community given its likely dominance of future legislatures.<sup>44</sup>

Such concern is valid, especially given the lack of meaningful Sunni input to the constitutional drafting committee. As a result of imprecise wording and vague implementation plans, interpretation of the practical application of constitutional provisions will be left to a legislature, likely comprised of the Shi'a majority. In effect, this increases Shi'a power because their majority position in the legislature will give them the power to interpret and apply the constitution. Shi'a's majority, combined with Sunni's limited role in the drafting process, contributed to inter-ethnic tensions and further eroded the possibility of amicable power-sharing. The drafting process, disputed provisions about federalism, and constitutional vagueness all contributed to Sunni-Shi'a tensions and reduced the likelihood of elite accommodation and that different sects would peacefully share power in the legislature. As such, the constitutional drafting process greatly hindered the ability of consociationalism to succeed in Iraq.

#### X. CONSTITUTIONAL REFERENDUM

In addition to the problems of constitutional drafting, the constitutional approval process also intensified inter-ethnic relations in Iraq. This process further enhanced tensions and decreased the likelihood of power-sharing and successful consociationalism. The October 15, 2005 vote to ratify the constitution draft required approval from voters – had two-thirds of voters in three or more of Iraq's 18 governorates opposed the constitution, it would not have passed.<sup>45</sup> The draft passed with the approval of nearly

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<sup>44</sup> International Crisis Group, Policy Briefing: "Unmaking Iraq: A Constitutional Process Gone Awry." [http://www.crisisgroup.org/library/documents/middle\\_east\\_north\\_africa/iraq\\_iran\\_gulf/b19\\_unmaking\\_iraq\\_a\\_constitutional\\_process\\_gone\\_awry.pdf](http://www.crisisgroup.org/library/documents/middle_east_north_africa/iraq_iran_gulf/b19_unmaking_iraq_a_constitutional_process_gone_awry.pdf).

<sup>45</sup>"Iraqi Constitution Approved by 79 Percent of Voters," *Bloomberg*, 25 Oct. 2005 [http://www.bloomberg.com/apps/news?pid=10000087&sid=amqz7dZlEx3w&refer=top\\_world\\_news](http://www.bloomberg.com/apps/news?pid=10000087&sid=amqz7dZlEx3w&refer=top_world_news).

79%<sup>46</sup> of Iraqis who voted. However, the Sunni minority opposed the constitution and expressed concerns about the drafting process and about several key provisions like federalism. Two Sunni governorates, Anbar and Salahaddin voted to reject the constitution by 96.96% and 81.75%<sup>47</sup>, respectively. In Ninevah and Diyala, (also predominately Sunni), 55.01% and 48.73%<sup>48</sup>, respectively, voted against the constitution. Though opponents failed to muster the needed two-thirds of no votes in three governorates, “it is clear that Sunni Arabs in Iraq generally voted against the constitution.”<sup>49</sup> Whether angered over the drafting procedure or over the substance of the constitution, Sunni Arabs overwhelmingly opposed the constitution’s adoption, and it was nevertheless adopted.

The adoption of the constitution despite Sunni opposition exemplifies that despite consociational provisions in the document, the process subverted the spirit of power-sharing. Since Sunnis did not support the constitution or feel adequately represented in the drafting process, they will be less likely to feel the sense of national unity and view the government as legitimate. Additionally, since Sunnis were unable to block the adoption of the constitution even with overwhelming opposition, they may lose faith that the government can be a useful model to resolve problems and that they can participate meaningfully in government. Consociationalism prioritizes mutual veto rights as a way in which groups can all be heard in government. While mutual veto traditionally refers to a community’s ability to block unfavorable legislation, extension of this principle should

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<sup>46</sup>“Iraqi Constitution Approved by 79 Percent of Voters,” *Bloomberg*, 25 Oct. 2005

[http://www.bloomberg.com/apps/news?pid=10000087&sid=amqz7dZlEx3w&refer=top\\_world\\_news](http://www.bloomberg.com/apps/news?pid=10000087&sid=amqz7dZlEx3w&refer=top_world_news).

<sup>47</sup> Jonathan Morrow, “Iraq’s Constitutional Process II: An Opportunity Lost,” *The United States Institute of Peace*, 2005 <http://www.usip.org/pubs/specialreports/sr155.pdf>.

<sup>48</sup> Jonathan Morrow, “Iraq’s Constitutional Process II: An Opportunity Lost,” *The United States Institute of Peace*, 2005 <http://www.usip.org/pubs/specialreports/sr155.pdf>.

<sup>49</sup> Jonathan Morrow, “Iraq’s Constitutional Process II: An Opportunity Lost,” *The United States Institute of Peace*, 2005 <http://www.usip.org/pubs/specialreports/sr155.pdf>.

allow minorities to have some veto rights about structure of the government. As such, this principle of mutual veto would mean that if one ethnic group overwhelmingly opposes the constitution, it would not be adopted. However, as the constitution's passed despite Sunni opposition, this did not happen in Iraq. As Shibley Telhami wrote after the constitution's approval, "the irony of the Iraqi Constitution, which passed with 79 percent of the vote, is that...from the point of view of limiting sectarian conflict, it would have probably been better had the document been defeated."<sup>50</sup> Defeat of the constitution, while seemingly a rejection of consociational principles, would have increased the likelihood of eventually creating a governmental model acceptable to all parties. It would have heeded the intent of mutual veto and consociational principles not only in the constitution but also in the process – and showed power in decisions about government structure. Furthermore, had the constitution been defeated, "Sunnis...would have gained more faith in the process"<sup>51</sup> because their concerns would have been heeded as legitimate. Since this did not happen, the adoption of the constitution occurred down ethnic lines, and intensified concern that the new government would not include the interests of all ethnic groups. Consequently, although the constitution's content primarily followed consociational principles, its adoption went against the underlying themes of power-sharing, consensus-building, and mutual veto that characterize consociational governments.

The constitutional process in Iraq simultaneously affirmed consociational principles through the content of the constitution and undermined power-sharing through

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<sup>50</sup> Shibley Telhami, "Rush to Stabilize May Backfire in Polarized Iraq," *The Brookings Institution*, 2005. <http://www.brookings.edu/views/papers/fellows/telhami20051030.htm>.

<sup>51</sup> Shibley Telhami, "Rush to Stabilize May Backfire in Polarized Iraq," *The Brookings Institution*, 2005. <http://www.brookings.edu/views/papers/fellows/telhami20051030.htm>.

the drafting and ratification process. The constitution's content allowed for regional autonomy and resulted in proportional election law and allocation of resources mostly in accordance with Lijphart's framework for a consociational democracy. Consequently, with regard to the content of the constitution, Iraq did attempt to create a consociational democracy. However, through the Sunni objections about exclusion from the drafting process, and the constitution's ratification despite Sunni votes against it, the process was not inclusive and betrayed the power-sharing principles of elite cooperation and mutual veto. As such, the constitutional process and its departure from the spirit for consociational power-sharing demonstrate an important factor in the current instability of Iraq and the failure of consociationalism.

## PART VI. IRAQ AND LIJPHART'S FAVORABLE FACTORS

### XI. WAS IRAQ A GOOD FIT FOR CONSOCIATIONALISM?

Though the process of implementing consociationalism alienated political elite in Iraq and thereby hindered its success, Lijphart claims that any country can successfully adopt a consociational government. Despite his assertion, Lijphart also outlines qualities that he believes better facilitate the model's implementation. These factors are "not derived deductively from consociational theory but inductively from the experience in consociational democracies"<sup>52</sup> and demonstrate trends about the qualities of countries that successfully have implemented the consociationalism. Since consociationalism hinges upon the cooperation of political elite, Matthijs Bogaards and Van Schendelen argue that "the real test for favorable factors...[is that] 'it should be possible to predict, on the basis

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<sup>52</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.



of the presence or absence of the conditions, the chances of elite-cooperation occurring in a plural society'."<sup>53</sup> As such, most of the factors conducive to consociationalism could also be considered factors that accompany or induce elite cooperation. Likewise, external actions that facilitate elite cooperation should also be deemed favorable to consociationalism's success. Although he has outlined many criteria, Lijphart found that the most consistent factors were that successful societies had "segmental isolation (geographic or otherwise), external threats, a balance of power between the segments of no majority segment and segments of equal size, and a small country/population size."<sup>54</sup> In addition to Lijphart's theory, I will also consider Brendan O'Leary and John McGarry's theory, based on their experience with Northern Ireland's Good Friday Agreement, which argues that benevolent foreign actors can help facilitate a consociational arrangement. Examination of Iraq's compliance with these factors will reveal whether scholarly support for Iraqi consociationalism was legitimized by Lijphart's criteria.

Theoretically, segmental isolation should prove beneficial to consociationalism's implementation because separation of different groups likely would reduce opportunities for inter-group friction and violent conflict. However, this should not be interpreted as an endorsement of segregation: instead, Lijphart sees self-imposed separation as favorable to consociationalism but also as something that should not be forcibly imposed. In 2006 Iraq, the Kurds are geographically separated in the northern Kurdistan region. Sunni and Shi'a communities were fairly separated in most provinces, in part because "ethnic

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<sup>53</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.

<sup>54</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.

cleansing' has resulted in population shifts that have left Iraq increasingly divided on sectarian grounds,"<sup>55</sup> but this was not always the case and many Shi'a and Sunni live in the same areas. (See Appendix 3) However, especially in the Baghdad, Diyala and Al-Anbar Governorates, there are sizeable Shi'a and Sunni populations.<sup>56</sup> Though Kurds primarily live in a separate Kurdistan region, and simultaneously fairly peaceful and stable compared to the rest of the country, Iraq's Sunni and Shi'a populations are not separate. Consequently, Iraq did not meet Lijphart's favorable condition of separated ethnic groups.

Lijphart also noted that external threats contributed to successful consociational democracies, presumably because such threats would unite disparate groups and build a sense of nationalism. However, as Bogaards notes, "external threats have a unifying effect only when they are perceived as a common danger by all segments."<sup>57</sup> Therefore, should a external threat be perceived differently between different ethnic or religious groups, this would not unify groups and may exacerbate inter-group tensions. Given the international presence in Iraq, perception of external actors is especially relevant. A 2004 Gallup poll reveals that Iraqis are divided about the presence of foreign troops: 33% of Iraqis "say the coalition invasion of Iraq has 'done more good than harm'"<sup>58</sup> while 46% believe "the invasion has 'done more harm than good'."<sup>59</sup> These statistics reveal that in 2004, Iraqis did not overwhelmingly view the U.S. and Britain-led invasion similarly.

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<sup>55</sup> Ewen MacAskill, "Latest US Solution to Iraq's Civil War: A Three-Mile Wall," *The Guardian*, 21 April 2007, <http://www.guardian.co.uk/Iraq/Story/0,,2062426,00.html>.

<sup>56</sup> "Iraq: Ethnoreligious Groups." Iraq Map a Folio, CIA. Accessed via University of Texas Library. [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/iraq\\_ethnoreligious\\_1992.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethnoreligious_1992.jpg). 1992.

<sup>57</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.

<sup>58</sup> Richard Burkholder., "Gallup Poll of Iraq: Liberated, Occupied, or in Limbo?" *The Gallup Organization* 2004. [http://www.thepop.org/pdfs/gptb\\_1.pdf](http://www.thepop.org/pdfs/gptb_1.pdf).

<sup>59</sup> Richard Burkholder. "Gallup Poll of Iraq: Liberated, Occupied, or in Limbo?" *The Gallup Organization* 2004. [http://www.thepop.org/pdfs/gptb\\_1.pdf](http://www.thepop.org/pdfs/gptb_1.pdf).

These different perspectives about the U.S and Britain-led invasion are even more evident between Shi'a and Sunni Iraqis, as evidenced in Gallup poll data from 2004:

***Thinking about any hardships you might have suffered since the U.S.-Britain invasion, do you personally think that ousting Saddam Hussein was worth it or not?***

	Total	Arab Strongly Shiite Areas	Arab/Mixed Strongly Sunni Areas
Yes, was worth it	61%	74%	28%
No, was not worth it	28%	17%	52%

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Given Shi'a and Sunni's obvious differences in opinion, these communities could not unite around a shared perception of an external threat. Once again, Iraq does not comply with one of Lijphart's favorable factors.

Additionally, Lijphart claims that societies with a balance of power between segments or without a majority segment are more likely to effectively implement consociational models. Study of Iraq's demographics, especially the 32-37% Sunni population compared to the 60-65% Shi'a population, demonstrates that this is clearly not the case.<sup>61</sup> The Shi'a outnumber Sunnis nearly by a factor of two, establishing a clear majority. Furthermore, the Sunnis' historical domination in Iraqi politics, despite their minority status, has created an imbalance of power. Shi'a resentment of Sunnis stemmed in part because of Saddam Hussein's rule, when "more than 300,000 Shi'ites were killed,"<sup>62</sup> and minority Sunnis were in power. As such, there is a consistent struggle for power in Iraq between the Shi'a and Sunni population. Consequently, Iraq's clear Shi'a

<sup>60</sup> Richard Burkholder. "Gallup Poll of Iraq: Liberated, Occupied, or in Limbo?" *The Gallup Organization* [http://www.thepop.org/pdfs/gptb\\_1.pdf](http://www.thepop.org/pdfs/gptb_1.pdf).

<sup>61</sup> CIA. "Iraq." *The World Factbook* (2007) <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

<sup>62</sup> Bobby Gosh, "Beyond the Sunni-Shi'ite Divide," *Time Magazine* 22 Feb. 2007.

majority after a tradition of Sunni domination dispels the possibility of a balance of power or historical trend of power-sharing.

Iraq also does not meet Lijphart's last condition for successful implementation of consociationalism, small country or population size. Lijphart believes that small are more conducive to consociationalism because the "elites are more likely to know each other personally and to meet more often."<sup>63</sup> These interactions would theoretically promote elite cooperation. With 27,499,638 people,<sup>64</sup> Iraq is clearly not a small country. With such a large population and regional governorates, Iraq provides little opportunity for integration and constructive interactions between political elite of different communities.

In addition to Lijphart's criteria, Brendan O'Leary and John McGarry also outline an additional criterion that they believe fosters successful consociationalism. Based on the factors that helped to facilitate the creation of the Northern Ireland power sharing agreement, O'Leary and McGarry emphasize the importance of external forces. They believe that, with the exception of the commonly perceived external threats, Lijphart's factors overly emphasize internal forces within a country. They claim that in addition to external threats, Lijphart should have considered that "outside forces can facilitate consociation by benign rather than malign intervention."<sup>65</sup> Based on Northern Ireland's experience in the creation of the consociational Good Friday Agreement, O'Leary and McGarry argue that the United Kingdom and the Republic of Ireland contributed to the

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<sup>63</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475-496.

<sup>64</sup> CIA. "Iraq." *The World Factbook* (2007) <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

<sup>65</sup> John McGarry and Brendan O'Leary. "Consociational Theory, Northern Ireland's Conflict, and its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland," *Government & Opposition*, 41 (2006) 43-63.

peaceful agreement by providing external support to polarized communities (Irish nationalists and those supporting re-unification with the United Kingdom). Although Lijphart's "traditional consociational theory neglected a benign or at least activist role for outsiders in the promotion of power-sharing,"<sup>66</sup> the success<sup>67</sup> of Northern Ireland's consociational model and ability to garner cross-community support suggests that such a role may be important and could have benefited Iraq. As such, it is relevant to consider the presence of benign external actors when evaluating the favorable factors for consociationalism in Iraq.

The lack of benign foreign actors involved in the creation of a consociational government in Iraq hurt its chances for success. As discussed previously, Sunni and Shi'a varied greatly in their opinions about the United States and United Kingdom's presence in Iraq. According to a 2004 Gallup poll, 71%<sup>68</sup> of Iraqis viewed the coalition forces as occupiers rather than liberators, and therefore the Iraqis clearly do not see the United States and United Kingdom coalition as benign actors. Though these countries and the Coalition Provisional Authority were the most active international influences in Iraq's constitutional drafting, they did not qualify as benign external actors. McGarry and O'Leary's condition of benign external actors was absent.

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<sup>66</sup> John McGarry and Brendan O'Leary. "Consociational Theory, Northern Ireland's Conflict, and its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland," *Government & Opposition*, 41 (2006) 43-63.

<sup>67</sup> While the Good Friday Agreement did not succeed in peacefully uniting Ireland for very long, it can be considered a partially successful consociational model because in the model, as O'Leary and McGarry write, "eight Northern Irish political parties were able, largely voluntary, to agree on a settlement with important consociational components, and to win endorsement for that agreement in simultaneous referendums in both parts of Ireland". As such, it demonstrates the ability to unite a society around consociational power-sharing principles that were acceptable to all parties, and serves as a good model despite problems in implementation John McGarry and Brendan O'Leary. "Consociational Theory, Northern Ireland's Conflict, and its Agreement. Part 1: What Consociationalists Can Learn from Northern Ireland," *Government & Opposition*, 41 (2006) 43-63.).

<sup>68</sup> Richard Burkholder, "Gallup Poll of Iraq: Liberated, Occupied, or in Limbo?" *The Gallup Organization* 2004. [http://www.thepop.org/pdfs/gptb\\_1.pdf](http://www.thepop.org/pdfs/gptb_1.pdf).

Given the sectarian nature of the Sunni-Shi'a dispute in Iraq, foreign actors sympathetic to both parties could have played a vital role in reconciliation and the establishment of power-sharing. In Northern Ireland, the Republic of Ireland and the United Kingdom helped to validate the concerns of nationalists seeking to be part of the Republic of Ireland and unionists who supported British rule, respectively. Likewise, external Shi'a and Sunni actors may have been able to bridge some sectarian divisions in Iraq and support the creation of a consociational government. Despite concerns about the stability of Iran and Syria, they are powerful Shi'a and Sunni countries, respectively, with a vested interest in "avoiding the horrific consequences that would flow from a chaotic Iraq, particularly a humanitarian catastrophe and regional destabilization."<sup>69</sup> The Iraq Study Group, though focused on evaluating the Iraqi conflict after the constitution was passed, emphasized the importance of regional Sunni and Shia actors participating in Iraq's rebuilding process. Urging involvement from nearby states like Syria and Sunni, the report claimed that "Iraq's leaders may not be able to come together unless they receive the necessary signals and support from abroad."<sup>70</sup> This echoes O'Leary and McGarry's argument and suggests international support, especially from nearby nations like Syria or Iran, could have been helpful in negotiating constitutional terms and ensuring support from and inclusion of both Sunni and Shi'a communities. Support from Sunni and Shi'a leaders in Syria and Iran would have been better able to facilitate inter-group elite cooperation than other foreign actors like the United Kingdom or United

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<sup>69</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 32.

<sup>70</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 33.

States. Especially in light of Iranian support for “various Shi’a militias in Iraq”<sup>71</sup> and Syrian support for “Iraqi insurgent groups,”<sup>72</sup> attempts to constructively include these actors could have limited their support for violent groups and Iraqi’s belief in the need for these organizations as a mean to resolve problems. Iran and Syria’s disconnect from the process of rebuilding Iraq has does not comply with O’Leary and McGarry’s favorable condition about the positive role that benign external actors can have in facilitating power-sharing arrangements. In accordance with O’Leary and McGarry, this reduces the chances for successful consociationalism and could partially explain its failure in Iraq.

Despite scholarly preference for consociationalism, examination of Lijphart’s favorable conditions for the models’ successful implementation reveals that Iraq does not meet any of the four criteria or O’Leary and McGarry’s preference for helpful external actors. Although Lijphart claims that consociationalism could be successfully implemented in any country if adopted with culture and country specific variations. Iraq’s failure to meet any of the four primary favorable factors suggests that such faith in Iraqi consociationalism may have been overly optimistic. Therefore, in addition to a flawed constitutional process, Iraqi also did not meet the favorable factors for consociationalism, which made its implementation much more difficult. While this does not mean that consociationalism should not have been attempted in Iraq, it merely means that additional efforts to facilitate elite cooperation are needed. When considered in conjunction with the creation of the Iraqi constitution, this clearly did not occur.

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<sup>71</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 35.

<sup>72</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 35.

The contentious constitutional drafting, content, and ratification process, in addition to the absence of favorable factors for consociationalism in Iraq, hindered its implementation and may have prompted increases in sectarian violence. However, other factors, such as consociationalism's flaws, could also be especially relevant in Iraq and could have further prevented peaceful resolution to sectarian conflict and power-sharing.

## XII. CONSOCIATIONALISM'S CRITICISMS EXAMINED IN LIGHT OF SHI'A AND SUNNI POLITICAL ELITE

Though Iraq's noncompliance with consociationalism's favorable factors and the flawed constitutional drafting process largely explain power-sharing's failure, inherent flaws in Lijphart's model could have also yielded Iraq's 2006 instability. Evaluation of consociationalism's criticisms reveals that in addition to procedural problems implementing the model, Iraq's leadership exacerbated consociationalism's flaws. Critics of consociationalism claim that the model lacks sufficient motivation for political compromise and is therefore unrealistic in a divided society. Political science theorist Donald Horowitz believes that "the consociational approach is motivationally inadequate"<sup>73</sup> because it assumes that political leaders, even those in the majority, will cede power to the minority in the interest of national unity. He argues that consociationalism requires an enlightened political elite who will willingly sacrifice the ability to rule as a majority in order to share power, and that this is unrealistic. In countries without a majority group, forming a multi-party coalition of elected officials in order to create a legislative majority can be a sufficient incentive to share power. For

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<sup>73</sup> Donald Horowitz, "Constitutional Design: Proposals Versus Processes," Prepared for delivery at the Kellogg Institute Conference, Constitutional Design 2000: Institutional Design, Conflict Management, and Democracy in the Late Twentieth Century, (South Bend: University of Notre Dame, 1999).



countries like Iraq, however, where Shi'a outnumber Sunnis by nearly two to one, Shi'a do not need the support of Sunnis in order to gain and maintain power. As such, Horowitz would argue that there is insufficient motivation for Shi'a to share power with Sunnis. Without leadership from all Iraqi sects committed to finding a peaceful solution to sectarian conflict, Horowitz' criticism may be legitimate.

Unfortunately, Iraqi Sunni and Shi'a leaders have not expressed a desire to work together to address sectarian conflict through a peaceful power-sharing arrangement and their actions confirm that Horowitz' criticisms are relevant in Iraq. Despite purporting to support a united Iraq, "key Shi'a and Kurdish leaders have little commitment to national reconciliation."<sup>74</sup> Examination of prominent leaders in the Sunni and Shi'a communities supports this assertion, and further evidences Horowitz' criticism of consociationalism as motivationally insufficient to foster elite cooperation.

Horowitz' criticism is especially evident in Shi'a leadership's unwillingness to cooperate with Sunni political elite. For example, Shi'a leader Moqtada al-Sadr's involvement with the violent Mahdi Army and distrust of Sunni Iraqis confirms Horowitz' criticism of consociationalism's insufficient motivation for elite cooperation. With an "almost cult-like following among Shi'a masses"<sup>75</sup> Moqtada al-Sadr's actions shape Shi'a perceptions and behavior toward Sunni Iraqis. Furthermore, al-Sadr was a member of Maliki's government until his 2007 resignation, and therefore his unwillingness to cooperate impacted the Iraqi government. Al-Sadr is a popular Shi'a cleric and political elite with much power in Iraq. The Mahdi Army, a Shi'a militia

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<sup>74</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 19.

<sup>75</sup> International Crisis Group, "Iraq's Muqtada Al-Sadr: Spoiler or Stabiliser?" *Middle East Report* 55 (2006). <http://www.crisisgroup.org/home/index.cfm?id=4210>.

“widely believed to engage in regular violence against Sunni Arab civilians,”<sup>76</sup> and his support for this violent sectarian organization evidences his inability to cooperate peacefully with Sunni leaders. The Mahdi Army and Sadr’s “movement’s involvement in the dirty war that pits Sunnis against Shiites”<sup>77</sup> continually increased alongside sectarian tensions, and was reportedly responsible for attacks on U.S. coalition forces and for the deaths of more than 10,400 Iraqis in 2006.<sup>78</sup> Through violent attacks, torture and revenge killings, Sadr’s Mahdi Army has worsened Sunni-Shi’a tensions in Iraq and perpetuated much of the current inter-ethnic violence. Indeed, Sadr’s followers and Mahdi militia members anonymously described their belief and goal that “the *takfiris*<sup>79</sup>, the ones who kill, they should be killed...also the Saddamists. Whose hands are stained with blood, they are sentenced to death,”<sup>80</sup> and this statement demonstrates their role in sectarian violence. These sentiments reveal al-Sadr’s followers’ purposeful use of militias to extract vengeance on Sunnis, and reveal the impact of al-Sadr’s leadership on the ability of Shi’a and Sunni Iraqis to coexist peacefully in Iraq.

Consociationalism and Lijphart’s favorable factors emphasize the importance of elite cooperation between different ethnic or religious sects. Sadr’s Mahdi Army and his followers’ goal of vengeance for Saddamists reveals that retribution, rather than stability and peace, motivate many of his actions. In light of his populist support from Shia Iraqis,

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<sup>76</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 11.

<sup>77</sup> International Crisis Group, “Iraq’s Muqtada Al-Sadr: Spoiler or Stabiliser?” *Middle East Report* 55 (2006). <http://www.crisisgroup.org/home/index.cfm?id=4210>.

<sup>78</sup> Ellen Knickmeyer, “Sadr’s Militia and the Slaughter in the Streets,” *The Washington Post*, 25 Aug. 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/24/AR2006082401721.html>.

<sup>79</sup> “A term commonly employed by Shiites for violent Sunni extremists”. Sadr’s Militia and the Slaughter in the Streets.” *The Washington Post*. August 25, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/24/AR2006082401721.html>.

<sup>80</sup> Ellen Knickmeyer, “Sadr’s Militia and the Slaughter in the Streets,” *The Washington Post*, 25 Aug 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/24/AR2006082401721.html>.

Sadr's support for an army engaged in sectarian violence suggests that he believes cross-community compromise is not important and that his followers agree. This lack of leadership did not help institute consociational power-sharing – it only intensified inter-ethnic tensions both at the elite and at the popular levels. Sadr's lack of commitment to inter-ethnic cooperation at both the elite and mass level supports Horowitz's criticism of consociationalism. Additionally, Sadr's cooperation with and sponsorship of sectarian violence contributed to the erosion of Iraq's consociational government by fragmenting elite relationships and perpetuating ethnic tensions.

Like al-Sadr, Abdul Aziz al-Hakim is also an influential Shi'a cleric and a prominent Shi'a leader whose actions have alienated Sunnis, thereby justifying Horowitz's criticism. Because of al-Hakim's position on the Iraqi Governing Council and as the leader of the Supreme Council for Islamic Resolution in Iraq, a large Shi'a organization, his preference for Shi'a and majoritarian policies are evident. Hakim's preference for majoritarian politics at the exclusion of Sunni concerns is evident in his unyielding support for the Iraqi Constitution. Given Sunni concerns about some of the constitution's federalist provisions, "Sunni Arabs were promised they could propose amendments to it during the first four months of the new Parliament."<sup>81</sup> In spite of these promises and sectarian concerns, Hakim, "the most influential politician in Iraq issued a veiled warning to Sunni Arabs yesterday that the dominant Shi'a would not allow substantive amendments to the country's constitution."<sup>82</sup> Hakim's insistence that the constitutional provisions remain consistent despite Sunni concerns shows his

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<sup>81</sup> Bushra Juhi, "Don't Meddle with Fledgling Constitution' Warning in Iraq," *The Scotsman* 12 Jan. 2006. <http://news.scotsman.com/international.cfm?id=53192006>.

<sup>82</sup> Bushra Juhi, "Don't Meddle with Fledgling Constitution' Warning in Iraq," *The Scotsman* 12 Jan. 2006. <http://news.scotsman.com/international.cfm?id=53192006>.

commitment to majoritarian politics and contradicts the principles of consociationalism. Iraqi regional analyst Kathleen Ridolfo criticizes this action as “contradict[ing] an agreement Shi’ite and Kurdish leaders forged with Sunni Arabs” and claims that this refusal to negotiate “threaten[s] recent attempts to bring Sunni Arab parties into a national unity government.”<sup>83</sup> As Ridolfo explains, Hakim’s refusal to negotiate further alienates an already divided Sunni community by refusing to engage in dialogue about their concerns. Additionally, Hakim stated in 2006 that although he wanted government political coalitions to represent all Iraqis, “he stressed that any groups joining the [governing] coalition would have to show commitment to a number of ‘constants’ in the new constitution, such as federalism, de-Ba’athification and measures against the insurgency.”<sup>84</sup> As discussed previously, Sunni opposition to the Iraq constitution primarily focused on de-Ba’athification and federalism, and Hakim’s refusal to support discussion about these provisions limits Sunnis’ ability to participate in the government. Furthermore, it demonstrates his lack of support for meaningful power-sharing institutions. This reluctance directly evidences Horowitz’s critique about consociationalism’s inability to unite political elite from different communities. Hakim’s beliefs demonstrate that he believes that the majority-approved constitution should not be subject to concerns of minority groups, and this majoritarian perspective fundamentally conflicts with Lijphart’s principle of minority veto rights. As with Moqtada al-Sadr, Abdul Aziz al-Hakim’s refusal to address Sunni concerns and acknowledge minority perspectives corroborates Horowitz’s concerns about elite

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<sup>83</sup> Kathleen Ridolfo, “Iraq: Shi’ite Leader Says No Negotiations on Core Constitutional Principles,” RadioFreeEurope, 13 Jan. 2006. <http://www.rferl.org/featuresarticle/2006/01/427d3603-c7dd-4f5f-bd9a-56c6af73548f.html>.

<sup>84</sup> “Shia Chief Opposes Charter Change,” BBC News, 12 Jan. 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/4605282.stm](http://news.bbc.co.uk/2/hi/middle_east/4605282.stm).

cooperation in consociational governments. These evident flaws and uncooperative elite eroded sectarian relationships and likely inhibited consociationalism's ability to unite Sunni and Shi'a elite.

In addition to Horowitz, other critics argue that consociationalism's emphasis on group identity and rights further solidify ethnic divisions. Political scientist Rob Aitken claims that "institutional designs intended to promote representative government and manage ethnic conflict have institutionalized ethnicity as a key resource in political competition"<sup>85</sup> and thus "reinforc[e] ethnic identities and cemen[t] ethnic divisions."<sup>86</sup> Citing the consociational Dayton Peace Accord, which addressed ethnic violence in Bosnia-Herzegovina, Aitken argues that the Agreement's "partition [of Bosnia-Herzegovina] into separate ethnic identities was only inevitable because of the ethnic framing of the problem."<sup>87</sup> As such, Aitken believes that consociational governments overemphasize ethnicity and further segment societal ethnic divisions. If Aitken's claims are true, efforts at Iraqi consociationalism may have been self-destructive as their emphasis on ethnic and religious power-sharing may have further intensified Iraqi divisions.

Aitken believes that consociational efforts did further strain Sunni-Shi'a relations. He claims that the efforts to practice power-sharing "informally along ethnic and sectarian lines... [has] produced a pattern of ethnic politics"<sup>88</sup> which thwart future efforts to ameliorate inter-ethnic relationships. Dr. Marina Ottaway agrees and argues that

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<sup>85</sup> Dr. Rob Aitken, "Cementing Divisions? The Impacts of International Intervention on Ethnic Identities and Divisions," 2007. <http://www.psa.ac.uk/2007/pps/Aitken.pdf>.

<sup>86</sup> Dr. Rob Aitken, "Cementing Divisions? The Impacts of International Intervention on Ethnic Identities and Divisions," 2007. <http://www.psa.ac.uk/2007/pps/Aitken.pdf>.

<sup>87</sup> Dr. Rob Aitken, "Cementing Divisions? The Impacts of International Intervention on Ethnic Identities and Divisions," 2007. <http://www.psa.ac.uk/2007/pps/Aitken.pdf>.

<sup>88</sup> Dr. Rob Aitken, "Cementing Divisions? The Impacts of International Intervention on Ethnic Identities and Divisions," 2007. <http://www.psa.ac.uk/2007/pps/Aitken.pdf>.

while consociationalism may be successful at “preventing conflict from erupting,”<sup>89</sup> it may simultaneously “perpetuat[e] the divisions and preven[t] the emergence of a national identity.”<sup>90</sup> Unlike Horowitz, these critics believe that consociationalism can be successfully implemented and avoid violent ethnic conflict, but they also believe that its implementation could simultaneously further solidify ethnic divisions. In light of Iraq’s salient ethnic and religious divisions, claims that consociationalism could further divide ethnic groups are relevant. Examination of the role of Sunni elite reveals that Iraq’s attempt at consociationalism did solidify ethnic divisions.

Given the attitudes of Shi’a leaders al-Sadr and al-Hakim, these theoretical concerns about consociationalism’s role in entrenching ethnic divisions have practical relevance. Study of the Sunni response to Sadr and Hakim’s demonstrated inability to share power with Sunnis reveals that the inability of Shi’a leadership to cooperate has prompted increased sectarian divisions in Iraq. With a Shi’a majority in power in 2006, Sunnis felt “displaced because of the loss of their traditional position of power within Iraq [and]...unsure whether to seek their aims through political participation or through violent insurgency.”<sup>91</sup> Sunni hesitation about utilization of the political process to address concerns about de-Ba’athification and federalism are understandable in context of Hakim’s refusal to discuss Sunni’s proposed amendments to the constitution. With increasing Sunni resentment about the constitution and an uncooperative Shi’a elite, it

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<sup>89</sup> “Consociational Democracy: The Lebanese Experience and the Iraqi Endeavor,” *Institute of World Affairs*, Nov. 2006. <http://www.iwa.org/Publications/Lectures/full%20roundtable%20report-%20Consociational%20Democracy.pdf>.

<sup>90</sup> “Consociational Democracy: The Lebanese Experience and the Iraqi Endeavor,” *Institute of World Affairs*, Nov. 2006. <http://www.iwa.org/Publications/Lectures/full%20roundtable%20report-%20Consociational%20Democracy.pdf>.

<sup>91</sup> James A. Baker, III and Lee H. Hamilton, *The Iraq Study Group Report: The Way Forward- A New Approach*, (New York: Vintage Books, 2006) 17.

appears that consociational efforts have entrenched ethnic divisions in Iraq and fragmented society.

This resulting intensified ethnic conflict is especially evident in the attitudes of Sunni leaders Tariq al-Hashimi and Sheik Harith al-Dhari. Iraqi Vice President Tariq al-Hashimi is respected by many in his communities but has been unable or unwilling to work with Shi'a leaders. Despite Hashimi's claim to want to "talk [about] Iraqis rather than to talk [about] Sunni and to talk [about] Shi'a"<sup>92</sup> he complains about some Iraqis' view that "[Shi'a] should exercise exclusively the power, and there should be no contribution, no participation from other communities, Sunni and the rest."<sup>93</sup> Despite his preference for a united Iraq, Hashimi's concerns about Shi'a domination are evident. Furthermore, like many Sunnis, Hashimi does not believe that the current government can accommodate the needs of the Sunni community. In a consociational government, elite cooperation and faith in the political system is essential, but Hashimi believes "from the beginning, the Sunni community has been marginalized...and this – the current government...is deep in this marginalization."<sup>94</sup> While the attitudes of Shi'a leaders, especially Sadr and Hashimi, may legitimize Hashimi's concerns, his reluctance to believe in the government's ability to address Sunni concerns illustrates decreased faith in and legitimacy of the Iraq constitution and government. Hashimi's reaction to uncooperative Shi'a leadership evidences the intensified prominence of ethnic divisions

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<sup>92</sup> "A Conversation with Tariq al-Hashimi," *Council on Foreign Relations*. (New York: 19 Dec. 2006). [http://www.cfr.org/publication/12304/conversation\\_with\\_tariq\\_alhashimi\\_rush\\_transcript\\_federal\\_news\\_service.html](http://www.cfr.org/publication/12304/conversation_with_tariq_alhashimi_rush_transcript_federal_news_service.html).

<sup>93</sup> "A Conversation with Tariq al-Hashimi," *Council on Foreign Relations*. (New York: 19 Dec. 2006). [http://www.cfr.org/publication/12304/conversation\\_with\\_tariq\\_alhashimi\\_rush\\_transcript\\_federal\\_news\\_service.html](http://www.cfr.org/publication/12304/conversation_with_tariq_alhashimi_rush_transcript_federal_news_service.html).

<sup>94</sup> "CNN Presents: A Progress Report: The Iraq War," Transcript Online of Interview. 22 July 2005. <http://transcripts.cnn.com/TRANSCRIPTS/0507/22/cp.01.html>.

in Iraq, thus further hindering substantive progress toward overcoming Sunni-Shi'a sectarian rift.

Likewise, Sheik Harith al-Dhari, a Sunni cleric and the chair of the Association of Muslim Scholars, has been a strong critic of the post-Saddam Iraqi government and has been accused of supporting violent insurgents' response. Angered by the government's Shi'a domination and Shi'a militia attacks on Sunnis, Dhari claimed in 2006 that "the political process that the security of Iraq is depending upon is a failing process, so that is why the security is failing and deteriorating."<sup>95</sup> With his belief that the government is inadequate, Dhari has utilized other means to voice his strong opposition to the constitution and Shi'a policies of de-Ba'athification and federalism. Because Hakim and other Shi'a leaders like al-Hakim would not entertain Sunni concerns and Sunni leaders distrust the government, leaders like Dhari have "emerged as a vocal representative of Sunni defiance and anger."<sup>96</sup> Dhari's concerns echo the hesitations of Sunnis throughout Iraq who fear that Shi'a domination will exclude them from sharing power or participating in governments. His distrust of the government has caused him to allegedly incite ethnic violence, and the Shi'a government issued a warrant for his arrest in November 2006. Regardless of Dhari's culpability for these crimes, his outspoken criticism of the Shi'a government and sympathy for Sunni reactions demonstrates that as a result of uncooperative Shi'a leaders, Sunni leaders believe ethnic divisions are more relevant. Although the consociational framework itself did not increase this tension,

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<sup>95</sup> Louise Roug and Borzou Daraghi, "Iraq's Shiite-led Regime Seeks to Arrest Top Sunni Cleric," *Los Angeles Times*. 17 Nov. 2006. <http://www.latimes.com/news/nationworld/world/la-fg-iraqgovt17nov17,0,1025932.story?coll=la-home-headlines>.

<sup>96</sup> Louise Roug and Borzou Daraghi, "Iraq's Shiite-led Regime Seeks to Arrest Top Sunni Cleric," *Los Angeles Times*. 17 Nov. 2006. <http://www.latimes.com/news/nationworld/world/la-fg-iraqgovt17nov17,0,1025932.story?coll=la-home-headlines>.



insufficient elite cooperation in the new government prompted Sunnis to react angrily against Shi'as, minimizing the possibility for a peaceful power-sharing arrangement. This affirms Aitken's and Ottaway's concerns about consociational governments and explains some of the factors for increasing sectarian violence and decreased faith in the government.

Aitken's, Ottaway's and Horowitz's criticisms about consociationalism highlight the lack of elite cooperation in Iraq and the resulting increased sectarian tension. Though these criticisms could be applicable to any country attempting a consociational government, the actions of Iraq's political elite make them especially relevant. Based on Moqtada al-Sadr's violent Mahdi Army and Hakim's refusal to consider Sunni constitutional amendments, Horowitz' concerns about elite cooperation seem justified. Sadr's and Hakim's actions have intensified Sunni concerns, leading to a lack of faith in the Iraqi government, as Hashimi evidences, and ethnically-charged violent resentment from leaders like Dhari.

### XIII. CROSS-CULTURAL CONSOCIATIONAL SUCCESS

Since consociationalism was attempted in Iraq despite incongruence with Lijphart's favorable factors, it is important to evaluate whether it could have worked in Iraq under any circumstances. Examination of consociational attempts in other countries rejects this possibility. In addition to its success in The Netherlands, consociationalism's implementation and relative successes at creating cross-community governmental involvement in non-western countries including Lebanon, India and South Africa evidences that the theory is applicable in a variety of geographic regions. Specifically,

examination of Lebanon's consociational efforts suggests that Iraq's geographic location and Middle East culture do not exclude the possibility of successful consociationalism.

Furthermore, although Lebanon's consociational National Pact did not result in lasting stability, its 47 years of success suggests that power-sharing arrangements can avoid the type of sectarian divisions that have plagued Iraq. Despite both Middle Eastern countries' adoption of a consociational government, Lebanon enjoyed much greater success than Iraq did. Furthermore, Lebanon's eventual problems with consociationalism resulted from structural flaws in the government that resulted in the overrepresentation of one religious group in Parliament. Specifically, the turmoil in Lebanon was "partly rooted in the disparity of Muslim-Christian representation in the top elite, because of a perceived increase in the Muslim segment of the population since the census of 1932."<sup>97</sup> Given this cause for Lebanon's instability in the late twentieth century, the failure stemmed from noncompliance with Lijphart's criteria of proportionality, instead of problems inherent to consociationalism. Given this historical and cross-cultural perspective about implementation of consociational democracies, claims that the model is inherently unsuited for Iraq appear to be incorrect. Specifically, Lebanon's long-term success with the National Pact and its management of ethnic and religious differences provides regionally relevant evidence that a form of consociationalism can work in the Middle East, and therefore, is theoretically possible in Iraq.

While Horowitz's, and Aitken and Ottaway's criticisms of the model are compelling, especially in Iraq, consociationalism's ranging degrees of success in other countries refutes the notion that these problems always accompany attempts at power-

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<sup>97</sup> Richard Hrair Dekmejian, "Consociational Democracy in Crisis: The Case of Lebanon," *Comparative Politics*, 10.2 (Jan, 1978), 251-265. <http://links.jstor.org/sici?sici=0010-4159%28197801%2910%3A2%3C251%3ACDICTC%3E2.0.CO%3B2-W>.

sharing governments. Lebanon's experience, like those of other consociational governments, reveals that the model could have worked in Iraq had procedural problems and had an uncompromising political elite not hindered cooperation.

## PART VII: CONCLUDING ANALYSIS

### XIV. APPLYING LESSONS FROM ATTEMPTED IRAQI CONSOCIATIONALISM

Application of Lijphart's criteria to Iraq's constitution reveals that the established government mostly adhered to the principles of consociational theory. Despite its lacking provisions for minority veto rights, Iraq's constitution prioritizes Lijphart's criteria of regional autonomy, proportionality and a grand coalition of governing elites. As such, Iraq could have more closely complied with Lijphart's model, but met enough criteria to be considered mostly consociational.

Despite the constitution's consociational provisions, Iraq's inability to successfully promote cross-community power-sharing and stability reveals that additional efforts must supplement Lijphart's criteria. Specifically, Iraq's constitutional process and the procedure of creating and implementing consociationalism proved problematic because they alienated Sunni political elite. While Lijphart's consociational criteria does not outline an ideal process for constructing a power-sharing government, the failure in Iraq suggests that as far as possible, the procedure of implementing consociationalism must be designed to facilitate elite cooperation. In Iraq's constitutional drafting process, Sunnis' perceived exclusion further intensified already prominent ethnic tensions. Such strain does not foster the elite cooperation necessary to maintain a power-sharing government. These strains suggest that future consociational efforts must be careful to be

inclusive and attempt to adhere to Lijphart's principles of proportionality in the drafting process. Additionally, Iraq's constitutional ratification process, Sunni opposition and resulting alienation after the constitution's passage reveals that the process of establishing consociationalism should adhere to the spirit, if not the letter, of the principle of minority veto. Sunni's inability to block passage of the constitution despite overwhelming opposition resulted in diminished faith in the government, a major barrier to the successful implementation of power-sharing. Such intense opposition from a specific community implies that application of the constitution will likewise face opposition, and thus decrease the chances of successfully preventing ethnic conflict through the new government. The constitutional drafting and ratification process alienated Sunni elite and contributed to the failure of consociationalism.

In addition to the procedural problems highlighted through the attempt at consociationalism, analysis of Iraq in light of Lijphart's favorable factors for its successful implementation suggests that predictions for its success have been overly optimistic. Though Lijphart's theoretical claim that consociationalism could work even in country where democracy seems unpromising is difficult to disprove – and its relative success in other countries supports his claim – Iraq's noncompliance with his favorable factors implies that they may be more important than Lijphart admits. Lijphart's claim that segmental isolation, small population, a balance of power and external threats hinge upon their role in the facilitation of elite cross-community cooperation. Though these factors cannot be induced, other efforts to foster elite cooperation ought to be more prioritized. For example, efforts to create dialogue between Shi'a and Sunni leaders in the constitutional drafting phase could have created more amicable elite relationships.

Additionally, the Iraq Study Group Report echoes McGarry and O'Leary's assertions about the important role of benign external actors. Though this was not attempted in Iraq, the 2006 failure of Iraqi consociationalism implies that involvement from regional actors perceived as well-intentioned could have fostered additional Iraqi investment in the new government.

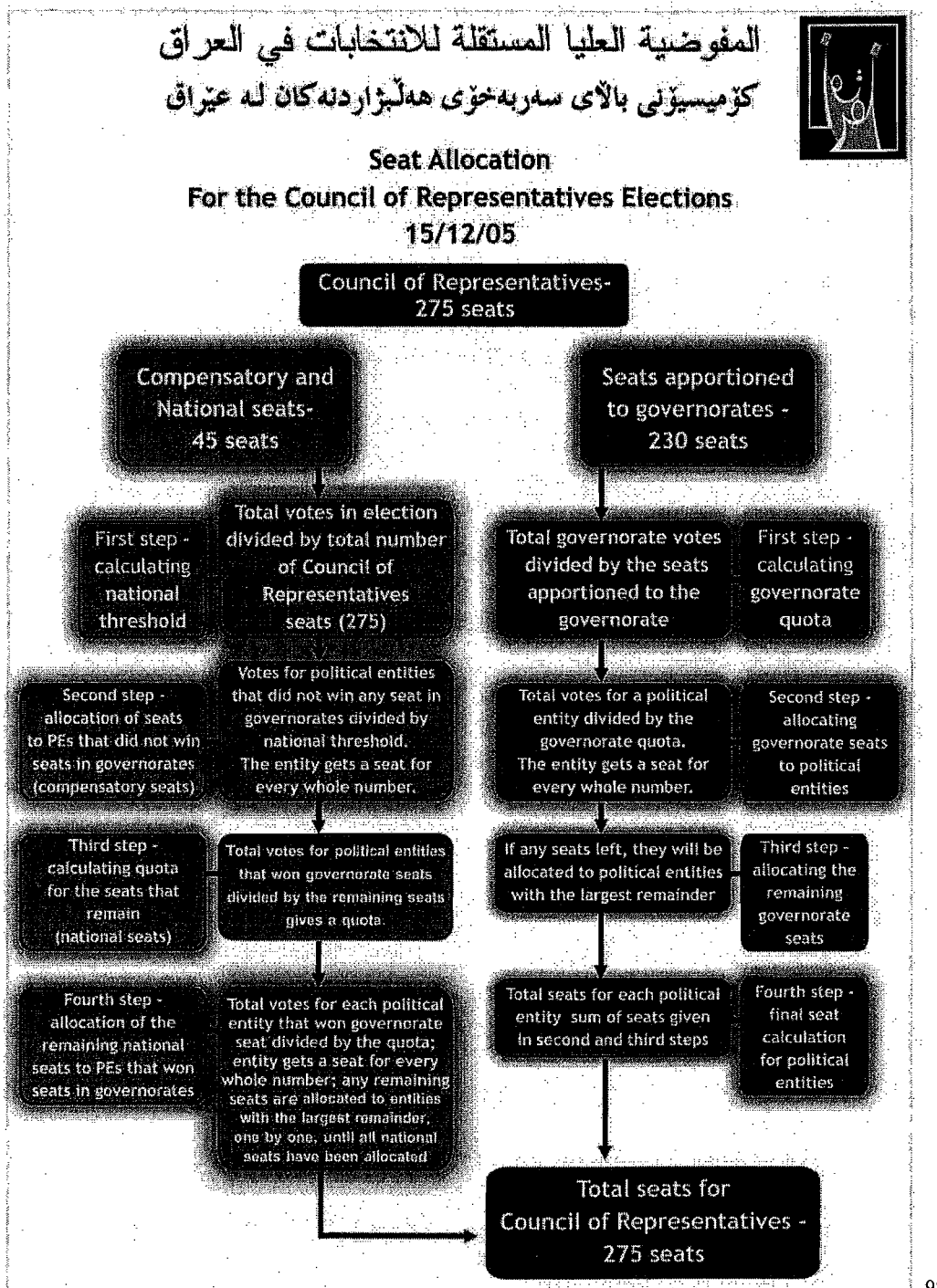
Additionally, though consociationalism has been implemented worldwide with ranging degrees and timeframes of success, a lack of elite cooperation exacerbated theoretical flaws with Lijphart's model. Specifically, Horowitz's concern that consociational governments are unfeasible because they lack sufficient motivation for elite cooperation was especially relevant. Shi'a leaders, like Moqtada al-Sadr and Abdul Aziz al-Hakim demonstrated an unwillingness to work constructively with Sunnis and address Sunni concerns.

This lack of cooperation further intensified ethnic divisions and further prevented the successful implementation of Iraqi consociationalism. This entrenchment of ethnic divisions, a second criticism of consociationalism, was especially evident in Sunni leadership's disillusionment with the government. Sunni leaders Tariq al-Hashimi and Sheik Harith al-Dhari's belief that the government does not address their communities concerns has prompted alienation from the Shi'a community. Such erosion of inter-ethnic trust damaged relationships and further prevented consociationalism's successful implementation.

Iraq's inability to implement consociationalism has resulted from procedural errors in the constitutional process, an uncooperative political elite, and made inherent flaws in the model especially relevant. Consociationalism has not united Iraq because its

implementation process did not foster elite cooperation and the theory's flaws – and specifically the possibility that institutions designed to allow groups to organize separately and cooperate may strengthen inter-group confrontation – were especially evident with the Iraqi elite. The constitutional process and the salience of these theoretical flaws intensified Shi'a-Sunni rifts, thereby preventing a power-sharing government.

## APPENDIX A. IRAQ'S ELECTORAL SYSTEM AND PROPORTIONAL REPRESENTATION.



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<sup>98</sup>The Independent Electoral Commission of Iraq.

[http://www.ieciraq.org/final%20cand/SeatAllocation\\_FlowChart\\_Edited\\_5-12-05.jpg](http://www.ieciraq.org/final%20cand/SeatAllocation_FlowChart_Edited_5-12-05.jpg).

## APPENDIX B. LIJPHART'S FAVORABLE FACTORS FOR CONSOCIATIONALISM.

*Table 1. Lijphart's lists of favourable factors*

	1968 (6)	1969 (8)	1977 (9)	1985 (8)
1	Distinct lines of cleavage between subcultures	IBID	Segmental isolation and federalism	Geographical concentration of segments
2	A multiple balance of power among the subcultures	IBID	IBID	No majority segment plus segments of equal size
3	External threats	IBID	Small country size	External threats
4	A relatively low load on the system	IBID	Small country size	Small population size
5	Moderate nationalism	–	Overarching loyalties	IBID
6	Popular attitudes favourable to government by grand coalition	Widespread approval of the principle of government by elite cartel	–	–
7	–	The length of time a consociational democracy has been in operation	–	–
8	–	Internal political cohesion of the subcultures	–	–
9	–	Adequate articulation of the subcultural interests	–	–
10	–	–	Moderate multiparty system	Small number of segments
11	–	–	Representative party system	–
12	–	–	Crosscutting cleavages (in some instances)	–
13	–	–	Tradition of elite accommodation	IBID
14	–	–	–	Socioeconomic equality

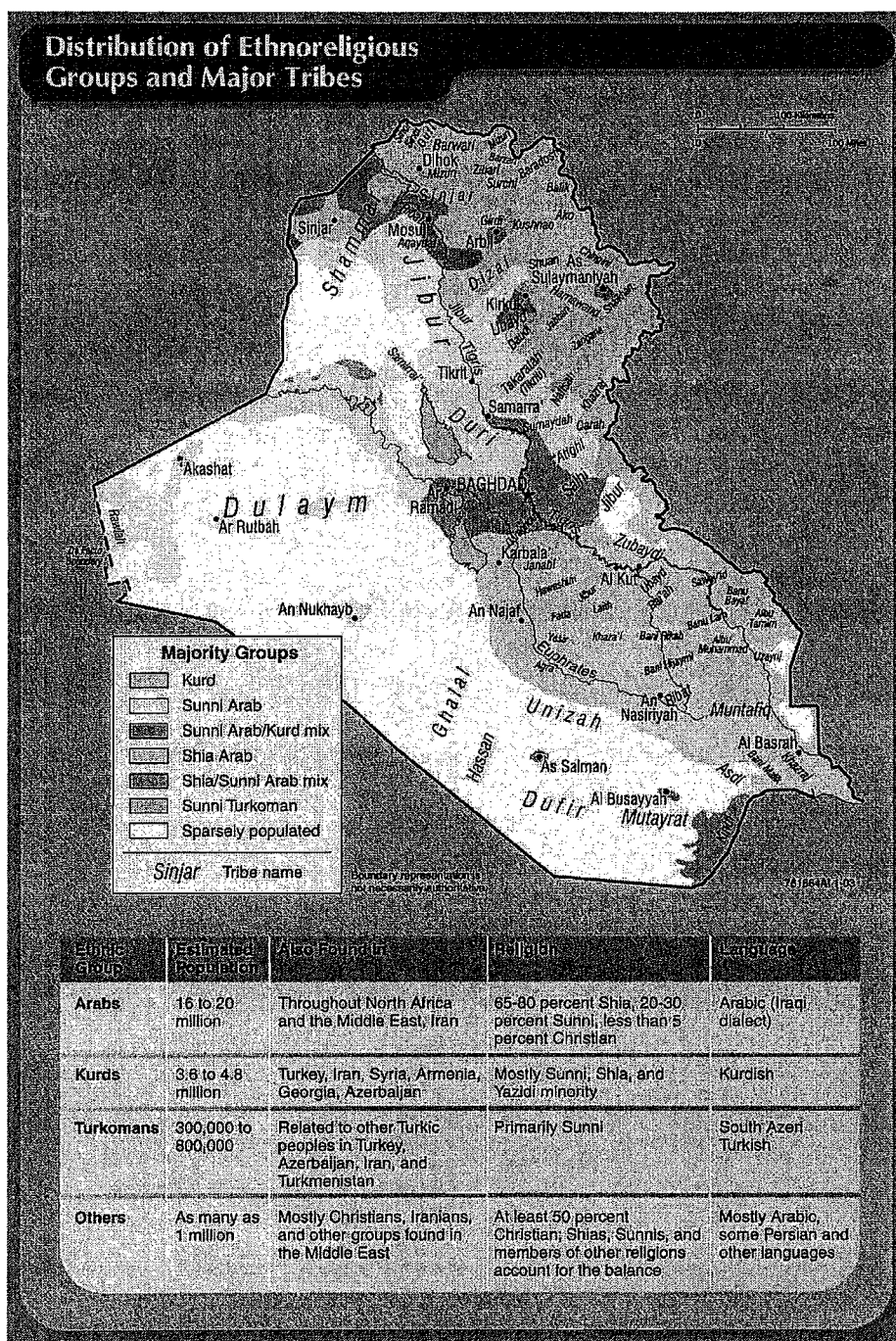
Note: The number of favourable factors is given in brackets.

Sources: Lijphart (1968: 25–30; 1969: 216–222; 1977: 53–103; 1985: 119–128).

<sup>99</sup> Matthijs Bogaards, "The Favourable Factors for Consociational Democracy: A Review," *European Journal of Political Research* 33.4 (1998) 475–496.



## APPENDIX C. IRAQ'S ETHNO-RELIGIOUS GROUPS.



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<sup>100</sup> "Iraq: Ethnoreligious Groups," Iraq Map a Folio, CIA, Accessed via University of Texas Library (1992), [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/iraq\\_ethnoreligious\\_1992.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethnoreligious_1992.jpg)

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