

# Electoral Systems in a Divided Society: The Case of Afghanistan

Kardan Journal of Social Sciences and Humanities

3 (1) 91–104

©2020 Kardan University

Kardan Publications

Kabul, Afghanistan

[DOI:10.31841/KJSSH.2021.36](https://doi.org/10.31841/KJSSH.2021.36)

<https://kardan.edu.af/Research/CurrentIssue.aspx?j=KJSSH>

Eqbal Nahzat

## Abstract

*Electoral systems are the most powerful lever of political engineering for conflict resolution and shaping the content and practice of politics in divided societies, such as Afghanistan; and their design is highly sensitive to context. This paper explores the suitability of Afghanistan's electoral mechanisms in light of the nation's political system, social divisions, and the process, which led to their adoption. It is generally argued that an electoral system should not be viewed in isolation from its political consequences and that different electoral systems can aggravate or moderate tension and conflict in a society. Finally, this paper focuses on the role of electoral systems in efforts to mitigate election violence, contribute to the inclusion of all groups in decision making, and build sustainable democracy and national unity in ethnically-divided societies such as Afghanistan.*

**Keywords:** *Electoral Systems, Divided Societies, Single None Transferable Vote System, Proportional Representation System*

## Introduction

Democracy is about regulating the access to power and the benefits this entails.<sup>1</sup> This creates a problem in divided countries which are characterised by deep cleavages representing sociocultural and ascriptive traits, such as race, ethnicity, language, religion or region.<sup>2</sup> In divided societies, power is determined by group identity with politicians playing the race card at election time to mobilise the votes of their group<sup>3</sup>, leading to other groups being marginalised and permanently denied power.<sup>4</sup>

Electoral systems are the most powerful lever of political engineering for conflict resolution because they govern how votes translate into seats in the legislature<sup>5</sup> and thereby what the parties look like, who is represented and by whom, and ultimately who governs,<sup>6</sup> Therefore manipulating the electoral system can make some types of behaviour more politically rewarding than others,<sup>7</sup> making it possible to incentivise inclusiveness and moderation. While getting this right is only one part of the quest for stability, getting it wrong can make stability impossible.<sup>8</sup>

This essay focuses on the role of electoral systems in efforts to simultaneously advance both democratization and conflict management in divided societies such as Afghanistan. It is argued that an electoral system should not be viewed in isolation from its political consequences. It is clear that different electoral systems can aggravate or moderate tension and conflict in a society. At one level, a tension exists between systems which put a premium on representation of minority groups and those which encourage strong single-party government. At another level, if an electoral system is not considered fair and the political framework does not allow the opposition to feel that they have the chance to win next time around, losers may feel compelled to seek power through illegal means, using nondemocratic, confrontationist and even violent tactics.

---

<sup>1</sup> Horowitz, DL (1991) *A democratic South Africa? Constitutional engineering in a divided society* Berkeley: University of California Press,23.

<sup>2</sup> Bogdanor, V & Butler, D (1983) *Democracy and elections, Electoral systems and their political consequences* Cambridge: Cambridge University Press,59.

<sup>3</sup> Reilly, B & Reynolds, A (1999) *Electoral systems and Conflict in Divided societies* Washington D.C: National Academy Press,156.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Reynolds, A (1999) *Electoral Systems and Democratisation in Southern Africa* New York: Oxford University Press Inc,86.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

## 2. Literature review

Electoral systems are often categorized according to how proportionately they operate in terms of translating votes cast by electors into seats won by parties. A typical three-way structure divides such systems into plurality-majority, semi proportional, and proportional representation (PR) systems. Plurality-majority systems typically give more emphasis to local representation via the use of small, single-member electoral districts than to proportionality. Amongst such systems are plurality (first-past-the-post), runoff, block and alternative vote systems.<sup>9</sup> By contrast, proportional representation systems – which typically use larger multi-member districts and deliver more proportional outcomes -- include ‘open’ and ‘closed’ versions of party list PR, as well as “mixed-member” and “single transferable vote” systems. Semi-proportional systems offer yet other approaches, including the “mixed” models by which part of the parliament is elected via PR and part from local districts, a common choice in many new democracies over the past decade.<sup>10</sup>

Electoral systems have important impacts upon politics in societies divided along ethnic, religious, ideological or other lines. However, there is disagreement as to which electoral systems are most appropriate for divided societies. A divided society, as they saw it, was one in which two factors are both in play. First, the polity is diverse. Second, crucially, its diverse ethno-cultural, religious, or other communities are politically mobilized.<sup>11</sup> That is to say, political and economic decisions are dictated primarily by a person’s communal identity, meaning that a citizen’s primary loyalty is to her community rather than her fellow citizens. In such a society, citizens can reliably be expected to vote only for a candidate who came from their community. Once in office, an elected official tends to promote the interests only of citizens who belong to her community.<sup>12</sup> In a series of works, scholars like Arend Lijphart and Donald Horowitz explained convincingly why Westminster parliamentary democracy tended to fail in divided societies. They disagreed, however on the solution to the problem. That is to say, they disagreed on the question of what sort of democratic political system would succeed the divided societies that could not be governed by Westminster-style parliamentary democracy.

<sup>9</sup> Benjamin Reilly, *Government Structure and Electoral Systems*, Australian National University (2003) 5.

<sup>10</sup> *Ibid.*

<sup>11</sup> Ian Lustick, *Stability in Deeply Divided Societies: Constitutionalism versus Control*, 31 *WORLD POLITICS* 325, 325 (1979).

<sup>12</sup> Sujit Choudhry, *Bridging Comparative Politics and Comparative Constitutional Law*, in *Constitutional Design for Divided Societies: Integration or Accommodation* (Sujit Choudhry ed., 2008), at 325. See also Clark B. Lombardi & Shamshad Pasarlay, *Consociationalism vs. Incentivism in Divided Societies: A Question of Threshold Design or of Sequencing?*, 9 *Yonsei Law Journal*, Forthcoming

Lijphart argues that the only realistic type of settlement capable of attracting agreement among all factions in post-conflict societies are power-sharing regimes which avoid the dangers of winner-take-all outcomes.<sup>13</sup> He made a comparison between two basic models of democracy: majoritarian (or Westminster) and consociational. Thus, he clearly expresses a preference for using party list forms of Proportional Representation System (PR) rather than majority system in a deeply divided society because it facilitates inclusion by bringing minorities in the election process and fairly representing all significant groups in the parliament. Andrew Reynolds proposes an integrative consensualism which requires the use of the single transferable vote in order to encourage cross-cutting ethnic cleavages, while at the same time ensuring the fair representation and inclusion of minorities in decision making.<sup>14</sup>

Furthermore, concerning the applicability of electoral systems in a divided society, Alexander Stroh, demonstrates that historical and procedural conditions in the respective national cases broadly influenced the interest-led decisions of political actors crafting new institutions.<sup>15</sup> Timothy D. Sisk and Andrew Reynolds emphasizes the importance of choosing an appropriate electoral system to promote inclusivity and power sharing. They address an important debate over electoral system choice, whether a plurality or a proportional representation is best for a divided society.<sup>16</sup> Reynolds argues that majoritarian electoral systems induce more competitive, confrontational, exclusionary politics, whereas proportional systems are often argued to produce inclusive, consensual governments.<sup>17</sup> In contrast, Barkan claims that majoritarian system, arrangements are best suited to a divided society because they offer a direct link between representative and her electorate, and thus these systems can promote integrative, moderating effects across ethnic group lines.<sup>18</sup>

From the foregoing, this essay makes the following deductions. There has been no specific study which analyses electoral system in Afghanistan in which ethnicity has marked politics for a long time. Thus, this study will contribute to the understanding of how proportional representation can

---

<sup>13</sup> A Lijphart 'Consociational democracy' *Thinking about democracy: power sharing and majority rule in theory and practice* (2008) 32.

<sup>14</sup> B Reilly & A Reynolds *Electoral Systems and Conflict in Divided Societies* (1999)29, available at: <<http://www.nap.edu/catalog/9434.html>> (Last accessed: 17.06.2020) 41.

<sup>15</sup> A Stroh 'Crafting Political Institutions in Africa: Electoral Systems and Systems of Government in Rwanda and Zambia Compared' (March 2007) *GIGA working paper* 43.

<sup>16</sup> TD Sisk & A Reynolds *Elections and Conflict Management in Africa* (1999)5.

<sup>17</sup> *Ibid.*

<sup>18</sup> JD Barkan 'Rethinking the applicability of proportional representation for Africa' in TD Sisk & A Reynolds (eds) *Elections and Conflict Management in Africa* (1999)58.

help in conflict resolution in Afghanistan and how it contributes in the inclusion of all groups in decision making. It is expected that this essay may initiate a rethink on the current electoral system in Afghanistan and cause a shift to be made in order to manage ethnic conflict.

### **3. Afghanistan as a case study of electoral systems in a divided society**

To understand the failures of the current electoral system to manage election violence and the role of ethnicity in politics of Afghanistan, it is useful to look at the country's recent electoral system.

In Afghanistan, the birth of Single Non Transferable Vote (SNTV) system was initially something of an accident, engendered by a widespread distrust of political parties associated with the Communist and civil war eras, a misunderstanding of the implications of having a single vote for individual candidates in large multi-member constituencies, and a possible strategy on the part of the executive to limit the emergence of organized opposition.<sup>19</sup>

The process for designing Afghanistan's new constitution was laid out by the December 2001 Bonn Agreement. It was an efficient but closed process, whose product was ultimately rooted in the transitional government's own interests and presented to the public largely as a *fait accompli*. A nine-member committee appointed by interim president Hamid Karzai came up with an initial draft between October 2002 and March 2003.<sup>20</sup> One of the most important constitutional issues with which these drafters had to grapple was the choice of an electoral system for the new legislature: Should they return to the first-past-the-post (FPTP) system inherited from British colonial rule and used in the brief period of competitive multiparty politics during the 1960s? Or should they adhere to the trend of list-based proportional representation (list PR), which has been the system of choice in the vast majority of post conflict situations since 1989? Or was there another system that would better fit Afghanistan circumstances?<sup>21</sup>

The drafting committee received expert advice from, among others, the International Foundation for Election Systems, Princeton University's Liechtenstein Institute for Self Determination (LISD), and from the constitutional experts who authored "Afghanistan's Political and Constitutional Development: Summary and Key Recommendations."<sup>22</sup> All

<sup>19</sup> See, "An Evaluation of the SNTV Electoral System in Afghanistan" (Kabul: Free and Fair Elections Foundation of Afghanistan, 2011); and "Consensus Recommendations for Electoral Reform in Afghanistan" (Kabul: Democracy International, 2010).

<sup>20</sup> Andrew Reynolds "The Curious Case of Afghanistan" *Journal of Democracy*, Volume 17, Number 2, April 2006, pp. 104-117 (Article)

<sup>21</sup> *Ibid.*

<sup>22</sup> Chris Johnson, et al., "Afghanistan's Political and Constitutional Development," 7.

these advisors sought to steer the drafters away from the old FPTP system and toward a form of proportional representation that had some geographic basis and allowed space for independent candidates.

Between April and November 2003, a 35-member all-Afghan constitutional commission selected by Karzai refined the earlier committee's draft, and produced a final document that was presented for ratification to the constitutional Loya Jirga in December 2003.<sup>23</sup> The new constitution, which provoked significant unhappiness and was ratified only with the help of strong political pressure,<sup>24</sup> did not make explicit the electoral system to be used for the legislative elections. A decision had been reached, however, that some form of list PR was to be used: This was spelled out in an appendix to the constitution. The Transitional Government assumed the task of working out the details of the system in cooperation with the Joint Election Management Body (JEMB) and the UN Assistance Mission in Afghanistan (UNAMA).<sup>25</sup>

By early 2004, they had designed what they thought was the best alternative: a closed-list PR system using multimember districts based on Afghanistan's 34 historic provinces. Less complicated than open-list PR, such a system would allow party leaders to determine which candidates would appear on the ticket and in what order, meaning that voters would cast their ballots for a party, not a specific candidate. Enayat Qasimi, a young Afghan-émigré lawyer who had recently returned to act as legal advisor to President Karzai, was selected to present this system to the cabinet of the transitional government. By the accounts of some of those present—including cabinet ministers as well as UNAMA and JEMB representatives—Qasimi made an utter hash of presenting the system, demonstrating that he himself was confused about its workings.<sup>26</sup> This gave an opening to critics: If the president's own legal advisor could not make the system intelligible to the cabinet, the ministers argued, then how were ordinary Afghans supposed to understand the system?<sup>27</sup>

In such a fragile and distrustful environment—the cabinet being a loose patchwork of feuding technocrats, returnees, jihadi leaders, and unreconstructed warlords—Qasimi's inept presentation of the system

---

<sup>23</sup> See Larry Goodson, "Afghanistan's Long Road to Reconstruction," *Journal of Democracy* 14 (January 2003): 82–99.

<sup>24</sup> Author's private conversations with international members of the JEMB, an Afghan cabinet minister, and others close to the process.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> Andrew Reynolds "The Curious Case of Afghanistan" *Journal of Democracy*, Volume 17, Number 2, April 2006, pp. 104-117 (Article)

opened the door for some ministers to complain that it was a bad system for Afghanistan. This sentiment was fueled by the distrust of political parties common among Afghans due to the chaotic nature of multiparty politics in the 1960s and the subsequent Communist Party rule and Soviet occupation (1978–89). Leading the charge against PR was Minister for Rural Development Mohammad Haneef Atmar, with the backing of several other ministers from the Pushtun southeast.<sup>28</sup>

In the face of this onslaught of objections, President Karzai decided to ask about alternatives to closed-list PR. He asked the international members of the JEMB to draw up a memorandum, detailing which electoral systems would allow Afghans to vote for individual candidates rather than parties, while retaining the province as the base constituency (he understood that for logistical and political reasons single-member districts were not an option). The SNTV system ultimately chosen was the “least bad” of the alternatives that fit these criteria. Thus Afghanistan ended up with SNTV not as a result of extensive deliberation and careful evaluation of its pros and cons, but rather by a fairly random process of elimination. SNTV was simply better than the other systems combining a single vote for a candidate with provincial multimember constituencies. It is important to note that Karzai did not choose SNTV with any understanding of its consequences or history.<sup>29</sup>

#### **4. Failures of the current electoral system (SNTV) in Afghanistan**

##### **Disproportionality**

Since 2005 Afghanistan has used the plurality-majority or SNTV system in all its elections.<sup>111</sup> However, the failure of SNTV system, to yield fair representation has been well-documented. Norris argues that the SNTV manufactures a majority and exaggerates the share of seats for the leading party in order to produce an effective parliamentary majority, whilst it penalizes smaller parties.<sup>30</sup> In the Case for Proportionality, Reynolds goes further arguing that high disproportionality that is characteristic of countries who use Plurality electoral systems shows that:<sup>31</sup>

*(1) minority parties are receiving little or no representation; (2) larger parties are gaining “seat bonuses” over and above their share of the popular vote; (3) governments with 100 percent of*

---

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> P Norris ‘Do power-sharing institutions work? Stable democracy and good governance in divided societies’(2005) available at <<https://research.hks.harvard.edu/publications/getFile.aspx?id=415>> (Last accessed: 17.06.2020).

<sup>31</sup> *Ibid.*

*the executive power are being catapulted into office with less than 50 percent of the popular vote;*<sup>32</sup>

Afghanistan's elections in 2005, 2010 and 2018 results are good examples of discrepancies between popular vote and allocation of seats that have been institutionalized by the simple majority or SNTV model. All sets of elections demonstrated that, as expected, SNTV could turn elections into something of a lottery. In 2005, the first seat in each province was won with an average of 11.5 percent of the vote, but the last seat was taken on average with only 5.7 percent (the lowest being just 0.5 per cent in Kabul). In 2010 and 2018 the vote was even more fragmented, with the first seat in each province won with an average of less than ten percent. Similarly, in 2005 there were an average of only 864 votes separating the lowest-polling elected candidate and the highest-polling runner-up (excluding women on lower vote tallies elected with the help of the quota), dropping to an even tighter 622 and 654 in 2010 and 2018. Such tiny margins not only bring into dispute the results in areas tainted by vote fraud and campaign manipulation, but they make wild swings of legislative power likely from election to election. One result of these razor-thin margins is that results from one election to the next can be regarded as largely capricious, and indeed, most of the MPs elected in 2005 were ousted in 2010<sup>33</sup> and 2018. The resulting surprises and uncertainty this generated have led to disproportionality and suspicion of the fairness of the vote, the count, and indeed the process as a whole.<sup>34</sup>

## **5. The question of Party System**

Since candidates were not allowed to display any party affiliation on the ballot during the first parliamentary elections, SNTV was expected to retard the development of a stable party system, accentuate the fragmentation of politics in Afghanistan, and leave national legislation dependent on a parliament characterized by unstable, unaccountable factions and personality politics. The results of 2005, 2010 and 2018 have given credence to each of these concerns. This is particularly worrying since parties are integral to democratization, and the current system is choking them of the oxygen they need to flourish and grow. In 2005, only 16 percent of the over 2,800 candidates were from registered political parties, and "party" candidates won less than a third of the seats in the lower house. In 2010 around one in ten of the 2,600 candidates were formally linked to parties.

---

<sup>32</sup> *Ibid.*

<sup>33</sup> Noah Coburn and Larson, "Undermining Representative Governance: Afghanistan's 2010 Parliamentary Election and its Alienating Impact" (Kabul: AREU, 2011); 88 (Ben Smith, "Political Developments in Afghanistan" (London: UK House of Commons Library, 2011); 87

<sup>34</sup> *Ibid.*



While a new law introduced in 2009 allowed approved party candidates to have their party's symbol on the ballot, it also required parties to re-register with the Ministry of Justice before they were eligible to do so. Due to the complexities of the registration process, only five parties managed to achieve this before polling day. Ultimately, a mere 34 candidates had the name of a party formally added to their ballot in 2010, with remaining "party" candidates left to run as independents. In 2018 well-known political party members have nominated themselves in the election as independent candidates. Party candidates made up only 5.3 percent (43 out of 803) of the candidates in Kabul and 7.5 percent (192 out of 2,565) of the candidates across the country (Independent Election Commission, 2018). Similarly, voters were not likely to favour candidates that align themselves with a party.<sup>35</sup>

But what if, despite the incentives of the election system, parties did begin to make progress in Afghanistan? In that case, SNTV would still make life difficult, even for those parties that had established a foothold of public support. Should a more robust party system develop, the anomalies, unfairness and idiosyncrasies of SNTV would become even more obvious and destabilizing. If victory in electoral politics literally means winner take all, and there is nothing for political losers and nothing outside of government, then ethnic party competition will polarize into ethnic conflict accompanied by violence and probably slide back into authoritarian rule and military dictatorship.<sup>36</sup> Thus, moving away from SNTV towards systems that better promotes inclusion and incorporate at least some measure of proportional representation is essential for the consolidation of democracy in Afghanistan.

## 6. Prospect of electoral reform

What kind of electoral systems can help democracy survive in country deeply divided by ethnic cleavages, as Afghanistan? What is to be done so that ethnic divisions do not necessarily mean ethnic conflict? What kind of system that can address other challenge facing Afghanistan's national politics such as inadequate representation of women, cultural, ethnic minorities, people with disability, youth, and marginalized communities?

Afghanistan political history illustrates that ethnicity has become the source of a political mobilization by aspiring politicians at election time. This has been the case in different elections in Afghanistan, where political

<sup>35</sup> *Independent Election Commission. (2018). Retrieved from <<http://docs.pajhwoknews.com/VOTE.AF/PAN-PC-18/KABUL-PC-PAN.pdf>> (Last accessed: 20.04.2020).*

<sup>36</sup> *H Glickman Ethnic conflict and Democratization (1995)28.*

parties are organized along ethnic groups and seek their support predominantly from their respective ethnic groups. This can increase the extremist parties which are organized to address the interests of particular ethnic groups.<sup>37</sup> Benjamin Reilly argues that in such circumstances, democratization itself can too easily lead to an increase in ethnic tensions and, in some cases, the outbreak of ethnic conflict.<sup>38</sup>

The scholarly literature identifies two competing approaches to resolve the problems of exclusion and inequalities and build sustainable democracy and national unity in ethnically-diverse societies which can be analyzed in the context of Afghanistan. These are consociational democracy and integrative majoritarian system.<sup>39</sup> The first strategy suggested to promote national cohesion in post conflict societies is consociationalism<sup>40</sup> which intends to recognize explicitly the importance of ethnic divisions of the society and institutionalizes mechanisms to accommodate their interests. Lijphart defines consociational democracy essentially as being built on four basic principles. The first and maybe the most important element is power sharing in government or (1) grand coalition of leaders of all significant segments of the plural society. The other three basic principles of consociational democracy are the (2) veto right for minorities, (3) proportional representation as the principle standard of political representation, civil service and allocation of public funds, and, the last but not least, is (4) group autonomy or community self-government.<sup>41</sup> Hence, consociational models seeks to guarantee the representation of the different ethnic groups in government and other public offices. Grand coalitions, as already adopted in Afghanistan, are therefore an instrument of consociationalism.<sup>42</sup> However, a government by grand coalition is meaningful when it is supported by an efficient electoral system which ensure the inclusion of all significant groups in the parliament.

---

<sup>37</sup> P Norris 'Do power-sharing institutions work? Stable democracy and good governance in divided societies' (2005) available at <<https://research.hks.harvard.edu/publications/getFile.aspx?id=415>> (Last accessed: 17.06.2020) 85.

<sup>38</sup> B Reilly 'Political Engineering and Party Politics in Conflict-Prone Societies' (2006) 5 *Democratization*, V 13, 811–827, available at <[https://www.researchgate.net/profile/Benjamin\\_Reilly/publication/248950498\\_Political\\_Engineering\\_and\\_Party\\_Politics\\_in\\_Conflict-Prone\\_Societies/links/5689e05208ae1975839ac05e/Political-Engineering-and-Party-Politics-in-Conflict-Prone-Societies.pdf?>](https://www.researchgate.net/profile/Benjamin_Reilly/publication/248950498_Political_Engineering_and_Party_Politics_in_Conflict-Prone_Societies/links/5689e05208ae1975839ac05e/Political-Engineering-and-Party-Politics-in-Conflict-Prone-Societies.pdf?) (Last accessed: 15.06.2020).

<sup>39</sup> Yusuf Bangura 'Ethnicity, Inequality and the Public Sector: A Comparative study' at <https://doi.org/10.1111/j.0012-155X.2006.00479.x>. (accessed on 16 June 2020).

<sup>40</sup> HM Binnsbo 'Consociational Democracy and Postconflict Peace. Will Power-Sharing Institutions Increase the Probability of Lasting Peace after Civil War?' paper prepared for presentation at the 13rd Annual National Political Science Conference, Hurdalsjoen, Norway, 5–7 January, 2005; available at <[https://www.files.ethz.ch/isn/38262/2006\\_PowerSharing%20and%20Postconflict%20Peace%20Periods.pdf](https://www.files.ethz.ch/isn/38262/2006_PowerSharing%20and%20Postconflict%20Peace%20Periods.pdf)> (Last accessed: 15.03.2020).

<sup>41</sup> A Lijphart *Democracy in Plural societies: A comparative exploration* (1977) 25.

<sup>42</sup> *Ibid.*

When analyzing the consociational model in terms of electoral systems, the proportional representation system especially party list is thought to be an appropriate system for divided societies. The consociationalist, Arend Lijphart, argue that party-list PR is the best choice for divided societies, as it enables all significant ethnic groups, including minorities, to “define themselves” into ethnically-based parties, and to gain representation in the parliament in proportion to their numbers in the community as a whole.<sup>43</sup> Hence, the list type proportional representation system encourages all key segments to be sharply defined as groups that feel alienated from the political process may form their own parties to gain some representation in parliament, the government and the civil service. Thus, adopting List proportional system in Afghanistan would have significant advantages. This would facilitate the entry of minority political groups into parliament in Afghanistan, as a contrast of the majoritarian system, which in a deeply divided society favours one ethnic group, and in that way excludes others.

However, in order to be successful, when analyzing the strategies to fostering national cohesion, one needs to take into consideration the nature of the society and political history of the country. Afghanistan is a multicultural and multiethnic society in which the groups are sharply divided from one another, and their boundaries are historically defined along ethnic lines so that their differences are not expected to become a harmony. Besides, Afghans, to a great extent, still identify themselves with their ethnic group, and this is exemplified by the patent ethnic basis along which Afghans continue to vote. It is for this reason that ethnicity cannot be removed, repressed, or ignored. It must be recognized officially in the political and public spheres and national unity should be founded and built on Afghanistan’s diverse ethnic groups. It is necessary to institutionalize ethnicity in politics through crafting electoral systems that allow better representation of ethnic minorities, if we are to consolidate and institutionalize democracy.<sup>44</sup> Thus, it is arguable that proportional representation as a mechanism of consociational democracy would better ensure equal treatment of all ethnic communities in Afghanistan.

The second strategy to managing ethnic conflict in contrast to consociationalism, seeks to move the focus of politics away from ethnicity towards other, less volatile, issues by fostering inter-ethnic cooperation and moderation.<sup>45</sup> Horowitz has been critical of Lijphart’s democratic solution

---

<sup>43</sup> A Lijphart ‘Electoral Systems, Party Systems and Conflict Management in Segmented Societies’ in RA Schreier (ed) *Critical Choices for South Africa: An Agenda for the 1990s*, 10-13.

<sup>44</sup> Kenney, A. (2006). “Multi-ethnicity and Democracy in Kenya: ethnicity as foundation of democratic institutionalization”, thesis, Aalborg University, Denmark.

<sup>45</sup> DL Horowitz *Ethnic groups in conflicts* (1985) 628-651.

for divided societies. He argues that proportional representation does not create compromise or moderate attitudes, it rather strengthens differences. Therefore, he advocates policies which de-emphasize the importance of ethnicity in the political process and undermine the potential for mono-ethnic demands, such as the Alternative Vote or “preference vote”. This system, he argues, would encourage politicians to seek votes outside of their ethnic groups.<sup>46</sup> Horowitz’s contention, however, was rebuked by Lijphart who claimed that attempts to stimulate broad-based and moderate representation would prove insufficient for minority groups desiring a more distinctly representative voice in government.<sup>47</sup>

It is useful to review some of the debate about the efficacy of these two policy frameworks for managing conflicts in ethnically segmented societies as Afghanistan. First, Barkan challenges the effectiveness of PR in divided societies. He criticizes PR for weakening the accountability of parliamentarians to their electorate and strengthen party control over parliamentarians. Because Party List system of proportional representation requires one single constituency or very large electoral districts, individual members of parliament (MPs) elected from list party are not responsible for addressing the needs of specific localities and cannot be held accountable to the residents of a specific geographic constituency.<sup>48</sup> Hence, this List system can exacerbate many problems in the context of Afghanistan. Afghanistan society is mainly rural and voting patterns are largely geographically concentrated. Furthermore, voters focus on the basic needs of their local community which might be sacrificed at the alter of national issues. Second, though the alternative vote system promotes moderation<sup>49</sup>, as a majoritarian system in nature, it may end up excluding some groups from government who may undermine the government, while the consociational system is proportional and opts for inclusiveness.<sup>50</sup>

Thus, a balanced electoral system is arguably the best. While academic advocates of PR such as Lijphart<sup>51</sup> would claim there is no need to deviate from full proportional representation, its practical applicability to Afghanistan can be questioned. Electoral systems that combine the advantages of single-member constituencies and simple-majority voting

---

<sup>46</sup> *Ibid.*

<sup>47</sup> M Mwangiru, ‘Elections and the Constitutional and Legal Regime in Kenya’ in Ludeki Chweya (ed) *Electoral Politics in Kenya* (2002).

<sup>48</sup> JD Barkan ‘Rethinking the applicability of proportional representation for Africa’ in TD Sisk & A Reynolds (eds) *Elections and Conflict Management in Africa* (1999)58

<sup>49</sup> DL Horowitz *A Democratic South Africa? Constitutional Engineering in a Divided Society* (1991).

<sup>50</sup> *Ibid.*

<sup>51</sup> A Lijphart *Constitutional design for divided societies* (2004) 15 *Journal of Democracy*

with those of PR resulting in links between MPs and their constituents, and fair representation rather than the under-representation of minorities, would be more effective for Afghanistan society. In shifting to a Mixed Member Proportional system, Afghanistan would not only harness the benefits of minority representation indicative of its PR component but also maintain levels of geographic representation and accountability inherent in its current SNTV system.

There are a number of reasons why the mixed system outlined above suits the needs of an emerging Afghan democracy:

- The smaller provincial constituencies would give rise to a less confusing ballot, with fewer candidates.
- The system would dramatically decrease the numbers of “wasted votes” and increase the feeling among Afghan voters that their votes were making a difference. Under the proposed system, the number of votes cast for losers in each provincial constituency would be smaller and even losing “party” candidates would be contributing to the potential election of their colleagues from the national list.
- The system would provide the space for parties to emerge and give incentives for blocs of like-minded interests to formalize themselves into political organizations.
- Independent candidates would still be able to run and win in the SNTV constituencies. The smaller number of MPs elected from each province would also, at least in theory, limit election to the independents who were truly popular and representative (although at least in the short-term, this may in many cases translate to those with the greatest access to resources or to the means of violence).

## 7. Conclusion

In deeply divided societies, exclusion of some groups in the political, social and economic life of the country can lead to ethnic conflicts and violence. With reference to the recent history of Afghanistan, SNTV contributes to the explosion of ethnic conflicts especially in deeply ethnically divided countries. In multi-ethnic societies, when political parties organize themselves along ethnic lines and when the rules of the political game are ‘winner-takes-all’, the large ethnic group tend to exclude minorities from parliamentary representation. Such a situation engenders the feeling of permanent exclusion on the part of marginalized ethnic groups and lead them in seeking a voice through violent means.

The challenge for post conflict societies is to build national cohesion by ensuring that all ethnic groups are meaningfully included in the political, economic and social life of the nation. To meet such a challenge, one may argue that an inclusive electoral system of governance is essential in management of ethnic conflicts and consolidation of democracy. In fact, no respect and protection of human rights can be secured by an exclusive system in a society divided along ethnic lines.

The distortions of SNTV elections results on the other hand have not facilitated fair and equal representation of all sections of the community in the process of governance in Afghanistan. Moreover, the Afghan ruling elite has often used ethnicity to manipulate the electoral process in order to further its own political objectives. Political parties in Afghanistan are ethnic based and they tend to solely represent and protect the interests of their respective ethnic groups especially when elections are close by. It has been also shown that the electoral system in Afghanistan is based on electoral constituencies that are ethnically delineated which enabled the ruling party to manipulate constituency boundaries in order to retain power.

PR system has provided a foundation for peace, stability and fair representation of all significant groups in the multi ethnic societies. PR system has greatly helped in more inclusion of small political parties into the political landscape. Furthermore, PR has facilitated the inclusion of all sections of the society in parliament such as women, people with disability and youth.

Proportional representation and power sharing techniques that encourage cooperation of ethnics groups are more appropriate for divided societies such as Afghanistan. While implementing MMP would promote a proportional and inclusive parliament, it would also maintain solid links between representatives and geographic areas and give a broad range of voter choice, thus leading Afghanistan towards stable elections and credible democratization.

Therefore, there is no one single electoral system that works for all divided societies, and optimal choice of electoral system depends upon factors such as the history and socio-political context specific to each country.