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Iraq: Post-Saddam National Elections

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Summary

Elections for a transitional National Assembly, provincial councils, and a Kurdish regional assembly were held on January 30, 2005. High voter turnout in mostly Shiite and Kurdish areas led to a first and second place finish for slates backed by these two communities; and they are negotiating what appears to be a fragile governing coalition. Sunni Arabs mostly boycotted. See CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*.

Shortly after Operation Iraqi Freedom (OIF) deposed Saddam Hussein's regime in April 2003, the Bush Administration linked the end of U.S. military occupation to the completion of a new constitution and the holding of national elections, tasks expected to take two years. However, prominent Iraqis agitated for a rapid restoration of sovereignty, and the Bush Administration returned sovereignty to an appointed Iraqi government on June 28, 2004, with a new government and a permanent constitution to be voted on thereafter. The elections were provided for in a Transitional Administrative Law (TAL), signed on March 8, 2004. Its provisions are as follows:[1]

- The elections held on January 30, 2005 (within the prescribed time frame) were for a 275-seat National Assembly; for a provincial assembly in each of Iraq's 18 provinces (41 seats each; 51 for Baghdad); and for a Kurdistan regional assembly (111 seats). Results were released on February 13, 2005 (see below).

- Major factions say the elected National Assembly will seat itself on March 16, and it is to try to select a "presidency council,"consisting of a president and two deputy presidents, by a two-thirds vote. The presidency council then has two weeks to choose a prime minister by consensus, and the Prime Minister then has one month to recommend (to the presidency council) and obtain Assembly confirmation of his cabinet

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[1] The text of the TAL can be obtained from the Coalition Provisional Authority website [http://cpa-iraq.org/government/TAL.html].

choices. Cabinet ministers could be persons not elected to the Assembly. The Prime Minister and his cabinet are subject to confirmation by a majority vote of the Assembly.

- The National Assembly is to draft (by August 15, 2005) a constitution to be put to a national vote (by October 15, 2005). The TAL allows two-thirds of the voters in any three Iraqi provinces to veto the constitution, essentially giving every major community (Kurds, Sunnis, or Shiites) a veto. If the permanent constitution is approved, elections for a permanent government are to occur by December 15, 2005, and it would take office by December 31, 2005. If the constitution is defeated, the December 15 elections will be for a new transitional National Assembly and a new draft is to be written and voted on by October 15, 2006.

The Election Process and Planning

In June 2004, the United Nations formed an 8-member central Independent Electoral Commission of Iraq (IECI), nominated by notables from around Iraq, to run the election process. CPA orders 92, 96, and 97, issued just before the June 28, 2004 handover of sovereignty to an interim government, provided for voting by proportional representation (closed list). Under that system, voters chose among competing "political entities": a party, a coalition of parties, or an individual running as an independent. Seats in the National Assembly (and the provincial assemblies) were allocated in proportion to a slate's showing in the voting. Any entity that obtained at least 1/275 of the vote (about 31,000 votes) obtained a seat. Some criticized this system as precluding the possibility of delayed elections in insecure areas and likely to favor well-established parties.[2] Others said this system was the easiest to administer in a short time frame. Under IECI rules, a woman candidate occupied every third position on electoral lists in order to meet the TAL's goal for at least 25% female membership in the new Assembly.

Under an Iraqi decision announced on November 4, 2004, Iraqis abroad, estimated at about 1.2 million, were eligible to vote. The International Organization for Migration (IOM) was tapped to run the "out-of-country voting" (OCV) program. U.N. electoral advisers had opposed OCV because of the complexity of the task, as well as the expense. The 14 countries where this voting took place were Australia, Canada, Denmark, France, Germany, Iran, Jordan, Netherlands, Sweden, Syria, Turkey, UAE, Britain, and the United States.[3] About 275,000 Iraqi expatriates (including dual citizens and anyone who can demonstrate that their father was Iraqi) registered, and about 90% of them voted.

Inside Iraq, registration of voters and political entities took place November 1 - December 15, 2004. Voter lists were based on ration card lists containing about 14 million names; voters needed to be at least 18 years old. Voters did not need to formally "register" to vote, but they had the opportunity to verify or correct personal information on file at 550 food ration distribution points around Iraq. In some of the restive Sunni areas, this verification process did not take place, but voters were able to vote by presenting valid identification on election day. Each political entity was required to

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[2] Diamond, Larry. "Not Perfect, But 'Reasonably Credible.'" *Wall Street Journal* op.ed. Oct. 25, 2004.

[3] For more information on the out-of-country voting, see [http://www.iraqocv.org].

obtain 500 signatures from eligible voters and pay about $5,000 to be registered. There were about 5,200 polling centers on election day; each center housed several polling stations. About 6,000 Iraqis staffed the branches of the IECI in each province, and 200,000 Iraqis staffed polling places on election day.

Security, Logistics, and Funding

Whether or not Iraq was secure enough to conduct a legitimate vote was an issue under nearly constant review. Of particular concern were those four provinces dominated by Sunni Arabs (Anbar, Nineveh, Salahuddin, and Baghdad) in which insurgents have been most active. In December 2004, President Bush stated that a postponement would represent a victory for the insurgents and that elections should proceed as scheduled. The U.S. commitment to the election schedule came despite a postponement petition in November 2004 by seventeen mainly Sunni Arab parties.

Due to lack of security or Sunni Arab (20% of the overall population) perceptions of inevitable election defeat, campaigning and indications of voter interest were low in the restive Sunni areas.[4] Prior to the election, many members of IECI local branches in these areas resigned due to insurgent intimidation, although their membership was replaced. Prior to election day, insurgents repeatedly targeted polling stations and, in leaflets and graffiti, threatened to kill anyone who voted. In an effort to secure restive cities for the vote, U.S. forces conducted numerous counter-insurgency operations in the four months prior to the vote, including a November 2004 operation to end insurgent control of Fallujah. U.S. force levels in Iraq rose to 150,000 from the prior level of about 140,000. Braced for the threatened insurgent violence, polling centers were guarded that day by the approximately 130,000 members of Iraq's security forces, with U.S. forces close by for back-up and quick reaction. Two days prior to election day, all vehicle traffic was banned, and Iraq's borders were closed. Many polling locations were not announced until a few days prior to election day.

Security concerns also affected the ability of the United Nations to assist Iraq's election preparations. Iraqi officials complained that the approximately 100-person U.N. contingent in Iraq included only 19 election specialists. There were another 12 U.N. election specialists in Jordan involved in the effort. In an effort to bolster U.N. assistance to the election, U.S. officials obtained some donors to a protection force for the U.N. contingent, provided for by U.N. Security Council Resolution 1546 (June 8, 2004). Fiji deployed 130 troops and Georgia deployed 691 troops. There was also concern over the vote monitoring process. Canada led a contingent of about 25 observers ("International Mission for Iraq Elections") from eleven nations to monitor the Iraq vote. However, the mission took place in Jordan and was limited to assessing Iraq's voting procedures by working with about 50,000 Iraqis who monitored the voting. (One of these international observers was in Iraq). Another 129 foreign observers — mainly foreign diplomats posted to Iraq — did some monitoring from Baghdad's protected "Green Zone."

Funding. The Bush Administration assisted Iraq in the elections process, as well as other election-related functions. The Iraqi government budgeted about $250 million

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[4] Vick, Karl. "Sunni Party Pulls Out of Iraq Vote As Doubts Grow." *Washington Post*, Dec. 28, 2004.

for the elections inside Iraq, of which $130 million was to be offset by international donors, including about $40 million from the European Union. Out of funds appropriated in the $18.6 billion for Iraq reconstruction provided by an FY2004 supplemental appropriation (P.L. 108-106), the United States provided: $40 million to improve the capacity of the IECI; $42.5 million for elections monitoring by Iraqis; and $40 million for political party development, through the International Republican Institute and National Democratic Institute. The funds were apportioned from $832 million provided by the supplemental for "democracy and governance" for FY2004. The out-of-country voting cost an additional $92 million, of which $11 million was for the U.S. component. No U.S. funds were spend for the out-of country voting.

Election Competition[5]

The Iraqi groups that took the most active interest in the elections were primarily those parties best positioned to win seats: Shiite Islamist parties, the Kurds, and established secular parties. A total of 111 entities were on the National Assembly ballot: 9 of them were multi-party coalitions, 75 were single political parties, and 27 were individuals. The 111 entities contained over 7,000 candidates. Another 9,000 candidates, also organized into party slates, competed in the provincial and Kurdish elections.

The most prominent slate, the "United Iraqi Alliance" (UIA), was brokered by Grand Ayatollah Ali al-Sistani and his top aides, including former nuclear scientist Hussein Shahristani. Sistani himself, who is Iraq's supreme Shiite leader, was not a candidate. The 228-candidate slate consisted of 22 parties, clearly dominated by two large Shiite Islamist parties, the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the Da'wa Party. Both, but particularly SCIRI, are considered politically close to Tehran. The first candidate on the UIA slate was SCIRI leader Abd al-Aziz al-Hakim, who was in exile in Iran during the 1980s-1990s. Da'wa leader Ibrahim Jafari, currently a Vice President, was number seven. In the tenth position was secular Shiite Ahmad Chalabi, a former U.S. ally who has aligned his secular Iraqi National Congress (INC) with the Islamist Shiites. There were 14 supporters of radical young Shiite cleric Moqtada al-Sadr on the slate, but Sadr's top aides, apparently with his backing, publicly denounced the election as an illegitimate product of U.S. occupation. In an effort to include all of Iraq's various communities, the UIA slate included some non-Islamist Shiites, Sunni tribalists (about 30 Sunnis total on this slate), and Turkoman and Yazidi ethnic and religious minority candidates. Pro-Sadr Shiites also formed a competing slate, the National Independent Elites and Cadres, and competed in provincial elections.

Other large slates consisted of long-established parties. The two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) put aside lingering rivalries to offer a joint 165-candidate list ("Kurdish Alliance"). Prime Minister Iyad al-Allawi filed a six-party, 233-candidate slate ("the Iraqi List") led by his Iraqi National Accord (INA) party. His list included tribal leaders and some secular Sunni and Shiite independents. The Communist Party, headed by former Iraq

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Governing Council member Hamid al-Musa, filed a 257-candidate slate called the "People's Union." Smaller parties that included both Sunnis and Shiites, also competed.

Some Sunni-based parties competed, but others did not. An 80-candidate slate was offered by President Ghazi al-Yawar, a Sunni tribal figure who formed the "Iraqis Party." Adnan Pachachi, a Sunni elder statesman who heads the Iraqi Independent Democrats, offered a slate consisting mostly of professionals. A pro-monarchist slate of the Movement for Constitutional Monarchy (MCM) was mostly Sunni as well. A moderate Islamist group, the Iraqi Islamic Party of former Governing Council member Muhsin Abd al-Hamid, filed a 275-seat slate, but it withdrew from the election in December 2004. The Iraqi Muslim Clerics' Association, which is said to be close to the insurgents, did not compete and called for a Sunni boycott. Some Sunni groups who boycotted the National Assembly contest nonetheless participated in the provincial assembly elections.

The Vote, Results, and Post-Election Bargaining

The voting itself was conducted relatively smoothly. Insurgents conducted about 160 attacks, killing about 30 Iraqis, but no polling stations were overrun and Shiite and Kurdish voters appeared mostly undeterred. Total turnout was about 58% (about 8.5 million votes). After the polls closed, President Bush said "In great numbers and under great risk, Iraqis have shown their commitment to democracy... The Iraqi people, themselves, made this election a resounding success." World reaction was favorable, including from governments, such as France and Germany, that have criticized U.S. Iraq policy. Members of Congress widely praised the vote.

National Assembly results, contained in a table below, appeared to match many predictions. In provincial elections, the Kurds won about 60% of the seats in Tamim (Kirkuk) province (26 out of 41 seats); Sunni Arabs hold 6 and Turkomens hold 9 seats. This is strengthening Kurdish attempts to gain control of oil-rich city Kirkuk and provoking some Arab and Turkmen backlash. In a result that could divide the Shiite Islamists, Pro-Sadr candidates won pluralities or majorities in several Shiite provinces, including Wasit, Dhi Qar, and Maysan, while SCIRI (running separately) won in Najaf, Karbala, Qadisiyah, and Muthana provinces.

The election results triggered intensive factional bargaining over positions in the new transition government and the future direction of Iraq. The UIA has insisted, on the strength of its showing, that one of its leaders become prime minister; that post will have executive power in this transition government. The bloc has named Da'wa leader Ibrahim Jafari as its choice. The Kurds, based on their strong results, are insisting that PUK leader Jalal Talabani become president. However, even more important to the Kurds than Talabani are guarantees that they will have substantial autonomy, control over resources, and be able to incorporate the oil rich city of Kirkuk, which has a large Kurdish population, into the Kurdish-administered areas in northern Iraq. These demands formed the basis of hard bargaining between the Kurds and the UIA over the past few weeks, but press reports on March 11 say the two groups have reached a tentative agreement on these issues that will enable them to form a government shortly after the transitional Assembly meets on March 16. However, the agreement appears to be preliminary, and there are still differences over the number of other senior positions allotted to each bloc, and to the Sunni Arabs, as well as the firmness of UIA promises to meet Kurdish demands. Press reports say the UIA leaders have agreed to "discussions" or to a process of "consensus"

decisionmaking on such issues as the status of Kirkuk; some Kurds might want concrete promises of the outcome before finalizing any agreement with the UIA.

A key issue is the disposition of the Sunni Arabs, who hold very few seats in the new Assembly. Most U.S. officials appear to believe that the elections will have a lasting positive effect if Sunni Arabs enter the new power structure. UIA and Kurdish leaders have said they will include Sunni Arabs in the cabinet posts and the committee that will draft the permanent constitution; some reports say Sunnis will get at least one of the major ministries, such as defense, interior, oil, or finance. UIA leaders have also said they will not try to establish a state run by clerics and Islamic law. Some major Sunni organizations, including the Iraqi Islamic Party and, to a lesser extent, the Iraqi Muslim Clerics Association (MCA), have expressed interest in the constitutional drafting process. However, the MCA has set firm conditions for its participation, including a time-table for a U.S. withdrawal, a condition unlikely to be met. Stability is likely to be difficult to achieve if major Sunni organizations do not come into the power structure; the Sunni-led insurgency remains at roughly pre-election levels, and it is increasingly targeting Shiite civilians, possibly as retribution for the Shiites' new place at the apex of Iraq's post-Saddam power structure.

Election Results

Slate/Party	Number of Seats
UIA (Shiite Islamist), about 58% of vote; Shiite turnout 75%	140
Kurdistan Alliance. About 26% of vote; Kurdish turnout 90%	75
Iraqis List (Allawi). About 14% of vote.	40
Iraqis Party (Yawar, Sunni). 1.8% of vote. Sunni turnout less than 10%	5
Iraqi Turkomen Front (Turkomen, mostly in/around Kirkuk, pro-Turkey	3
National Independent and Elites Cadre (pro-Sadr)	3
People's Union (Communist, Sunni/Shiite)	2
Kurdistan Islamic Group (Islamist Kurd)	2
Islamic Action (Shiite Islamist, Karbala)	2
National Democratic Alliance (secular)	1
Rafidain National List (Assyrian Christian)	1
Liberation and Reconciliation Gathering (secular)	1