

BEGINNING TO ARGUE Politics in Baghdad

An elections expert describes the battles in Iraq—but these engagements are over political ideas and systems of representation. Work continues to ensure that Iraq's future is one built through democratic dialogue.

by Jeff Fischer

In Iraq, a political process is now evolving under United Nations leadership and Iraqi stewardship. Begun in April, this process has unfolded in the midst of a violent security scenario that included the siege of Fallujah, a spate of foreigner kidnappings and the Sadr/Sunni insurrection. Despite this backdrop of strife, the legal framework, key institutions and political consensus now exist to provide Iraqis a political means to achieve governance. In January 2005, the Iraqis will elect a National Assembly that will write a permanent Iraqi constitution.

In a sign of open dialogue and political exchange, some Iraqis and international observers have criticized the electoral and political party law promulgated in May, which supplements the electoral framework established by the interim constitution (or Transitional Administrative Law). The TAL calls for elections to a National Assembly, a Kurdistan National Assembly and Governorate Councils by the end of January 2005. Political parties will be allocated seats in the 275-member National Assembly in direct proportion to the number of votes they receive. Such a system is termed “proportional representation,” as compared to a majoritarian system, in which only those parties receiving the highest number of votes gain seats.

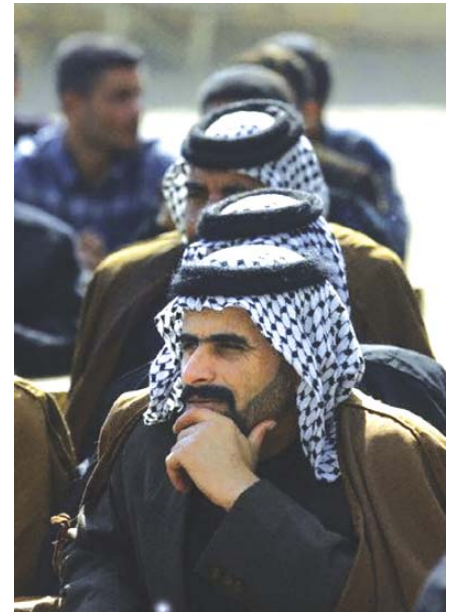
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The choice of proportional representation was one of several decisions reached by consultation between Iraqis and the United Nations, with the final decision taken in May by a 15-member Elections Subcommittee of the Interim Governing Council (IGC). Although the Shiite majority and other critics claim this system could generate ethnic and religious conflict, the committee felt that proportional representation would be more likely to provide representation to the many ethnic and religious groups throughout Iraq and thereby decrease the

likelihood that those without a voice will turn to violence to find one.

The ICG, the CPA and the United Nations also agreed upon the method for selection and scope of responsibilities for an Independent Electoral Commission (IEC). In stark contrast to other CPA and IGC appointments, the nomination process for the electoral commission was public. Notwithstanding the violence of the early spring, almost 1,900 people presented the United Nations with their nomination packages to fill seven commissioner positions. There were nominees from every governorate (18 in total plus Baghdad), and 111 were women. Applicants also had the option to submit their nomination packages via the Internet, and 266 of them did so. According to some U.N. sources, this was an unprecedented nomination process for any electoral commission. The pool of nominees was an impressive and diverse group of individuals. In fact, some nominees who were not selected for the commission could become key commission administrators.

The development and training of the IEC has been a truly multinational endeavor. The former chair of the South African Election Commission for the 1994 transitional elections, Johann Kriegler, was involved in the selection of commissioners. The Federal Electoral Institute of Mexico has provided a venue for the training of the new commissioners on election administration, and Argentina has provided a legal expert for their assessment and planning efforts. Since their return from training, the members of the IEC have recruited and hired their headquarters senior staff, adopted internal rules of procedure, approved an organizational structure for the election administration and approved an operational concept for the January elections. A number of other countries are expected to provide additional electoral expertise as the IEC moves forward.



100 representatives gather to select the first Town Council in Samawa, Iraq.

In countries with established legislatures, electoral laws are debated in those chambers and enacted accordingly. As Iraq lacks such a legislative instrument, it was necessary to adopt a consultative approach as a surrogate for parliamentary debate over the creation of three key covenants that provide the regulatory framework for the election (the electoral commission decree, the electoral law and the political party law). Between March and May, the United Nations facilitated an inclusive dialogue—engaging a broad spectrum of Iraq's political factions, the IGC, Elections Subcommittee, CPA and others—which resulted in a consensus regarding the modalities of the National Assembly election. It was not arbitrary. It was not unilateral. It is not ideal. But the value of the process by which this political consensus was developed should not be diminished by selected attacks on its outcomes.

An important part of the political process is the ability of observers and local critics to express their opinions and concerns. This election must stand the test of international and national scrutiny for its legitimacy. It is equally important, though, not to declare these elections dead before arrival because of perceived imperfections in the process rather to work to ensure their completion.

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