

The Uncertain Politics behind Iraq's Election

POLITICAL CONTROVERSIES AND THE
FORMATION OF A VIABLE GOVERNMENT

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Although Iraq has made political progress over the past few years it still falls far short of the level of political accommodation it needs to control its ethnic and sectarian divisions, ensure adequate representation for all ethno-religious groups, and create the conditions for effective governance. Despite the success of the national elections in March 2010, when over two thirds of the population defied threats of violence to cast their ballots—with a particularly strong turnout among Sunnis and Kurds—it is still unclear whether Iraq can form a stable “national” coalition government. If Iraq is successful, it will still take years for the new elected and appointed officials to develop the capacity they need to govern effectively.

Forming a Coalition Government

Iraq does not have a fixed calendar for government formation, but US experts have developed the following timeline to illustrate how long the process can take:

Action	Time Frame (in Days)	
	Phase	Cumulative
Special needs voting and Election Day	3	3
Tally of results and preliminary results	4-7	7-10
Complaints and adjudications: Provisional Results	30	37
Appeals and Certification of Results	15	52
First Session of Council of Republic; negotiations for selection of Speaker (maximum of 30 days after certification)	21	73
Speaker elected	30	103
Council of the Republic elects President and other members of the Presidential Council	30	133
Prime Minister nominated (maximum of 15 days)	15	148
Prime Minister picks Council of Ministers. (maximum of 30 days)	30	178
Prime Minister and Council of Ministers sworn in. (Presidential Council must designate new Prime Minister in 15 days if Council of Ministers fails to gain vote of confidence.)	30	208

Effective leadership and governance will take much longer to develop—particularly as power changes hands and new coalitions form within Parliament. The precedents are not encouraging. The first post-invasion parliamentary election was held on December 15, 2005. The Shi'ite coalition that emerged as the dominant party was paralyzed by internal political splits, and only named Nouri al-Maliki as a compromise Prime Minister on April 22, 2006. It then took until May to name ministers and until June before the government could begin to function.

Continuing Ethnic and Sectarian Differences

Furthermore, contrary to the hype that the national elections have helped “turn back the tide” of sectarianism in Iraq, the new Parliament may be as fragmented as in the past. Sectarian and ethnic disputes have scarcely disappeared in Iraq. This is especially clear given the controversy that unfolded over the banning of over 500 candidates from the national elections—most of them secular or Sunni candidates from Ayad Allawi's Iiraqiyya party. Moreover, although the two front running parties were more secular than the leading parties in 2005, many Iraqis still voted along ethnic and sectarian lines.

The March 2010 elections seem to have been fair, but accusations of fraud and corruption in the election process still shaped the post-election political landscape. Even before the voting process began, several parties warned against the possibility of fraud and intimidation at polling booths—and although no party won an outright majority in the polls, accusations of vote tampering emerged from almost every party involved in the national elections—particularly from Prime Minister Maliki's State of Law party. The true extent of tampering seems to have been limited, but perceptions can be just as important, if not more important, than facts. The two leading parties attempted to exploit such charges each time one pulled ahead of the other, although this did not seem to gain much traction among the Iraqi population.

Pre-Election Issues and Their Security Impact

There were several pre-election issues that fractured the Iraqi government in the months before the March 2010 election including debates over the election law, territory disputes between Arabs and Kurds, and political controversy over the banning of several hundred Sunni candidates from the elections on account of “Ba'athist” ties. These issues, as well as ongoing disputes over oil-sharing laws, petroleum contracts and the status of Kirkuk, show that Iraq still has a long way to go in reaching political accommodation between different ethnic and religious sects in the country. Although violence has decreased over the past two years, the underlying problems that created that violence still need to be dealt with to eliminate the possibility of renewed civil war.

Political disputes also exacerbated security problems in Iraq in the months leading up to the March 2010 elections. Delays and disputes over the election opened a window of opportunity for AQI and other insurgent movements to launch high profile attacks—like the bombings of government ministries that occurred in August, October and December of 2009, and the bombing of two hotels housing members of the foreign press in January of 2010. As long as the government remains in the limbo period of coalition-forming, insurgents may try to carry out more targeted attacks against the GOI and Iraqi security forces in efforts to undermine the government and renew ethnic and sectarian conflict.

These problems continued after the election results were announced. Iraqi security forces failed to prevent several attacks on both government officials and civilians, particularly in

and around southern Baghdad.¹ During the transition period between governments, the security of many appointed jobs was unclear, inhibiting cooperation and efficiency within the ISF. There are still ethnic and sectarian issues that must be resolved within Iraq's security structure and many Iraqi officers are afraid they will lose their positions if the government changes hands.² Although there are few signs that these attacks will provoke large-scale violence like they did in 2005, if civilians are left unprotected then they might resort to taking matters into their own hands and protection themselves—which could lead to renewed ethnic and sectarian fighting.

The Uncertain Impact on the US-Iraqi Strategic Partnership

It is also unclear whether the new government will favor a US-Iraqi strategic partnership, and if so, on what terms. It is possible that a new governing coalition may want to weaken or end strategic partnership agreements altogether. It also is possible that Iraqi politics will lead to a national referendum over the Strategic Framework Agreement (SFA) that could also affect the pace of U.S. withdrawal.

The Iraqi Council of Representatives only approved the strategic agreement after a compromise that called for it to be submitted for approval to the Iraqi electorate in a national referendum. This vote was originally scheduled for mid-2009, but it was then delayed to January 2010 and then again to March—it is now unclear whether the referendum will be held at all. There is far less pressure to hold it now that the United States has made definite plans to fully transfer power to the Iraqi government and withdraw its forces by 2011. A negative vote against approving the strategic agreement, however, could disrupt every aspect of U.S.-Iraq relations and affect the US schedule for withdrawal or its ability to administer aid.

The Problem of Governance

Elections are not an end in themselves—they are a prelude to the complex process of forming a new government and demonstrating its capacity to govern. Even if Prime Minister Maliki or some other leader forms a coalition that keeps many ministers and officials in power in office, many positions in the Iraqi government will change and it will take months for new officials to assume their governing roles, and for old officials to determine their level of influence and power in a new government. Under the best conditions, it will take one or two months for elected officials to form a governing coalition and several more months to formally appoint every senior official and make the new government function. It will then take 6 to 12 months for the new officials and ministers to develop the skills and relationships they need to work together and fully exercise their responsibilities. Under the worst conditions, a new government will take

¹ Leila Fadel and Aziz Alwan “Bomb blasts kill at least 35, wounds scores in Shi’ite areas of Baghdad” *The Washington Post* (7 April 2010)

² Timothy Williams, “Baghdad Bombing Streak Strokes Fears of New Round of Sectarian Violence” *The New York Times* (7 April 2010)

months longer to form and then be unable to govern in a cohesive way or win the support of all of Iraq's ethnic and sectarian factions.

The new Iraqi government will also face a complex set of milestones in forming a new set of governing coalitions, in enacting and implementing important legislation crucial to the economic and political development of the country, and in building capacity to govern at both the national and provincial level. This is a critical period in Iraqi politics and the United States must do its best to provide Iraqis with support when they need it and to ensure that these transitions happen as soon and as smoothly as possible. The United States must also provide the Iraqi government through aid and advisory teams, especially until the government develops the capabilities necessary to meet the needs of its people, and defend itself as a strong and sovereign nation.

If the process of forming coalitions takes too long to produce a government, or if Iraq becomes the scene of new ethnic and sectarian struggles, it could waste many of the political and security gains of the last few years and do much to discredit democracy at the political level. Iraqis may disagree on many things, but polls consistently show they want an effective government—one that can provide security, deliver key services, enforce the rule of law, and further economic development. In practice, the quality of governance will ultimately be more important than the quality of the elections.

Shaping the Quality and Effectiveness of Governance

The West tends to focus on elections as a source of legitimacy and stability. The reality, however, can be very different. As **Figure 1** shows, Iraq now has poor levels of governance, and it may take anywhere from five to ten years before these standards are raised to the highest levels of regional and global performance. It is unclear just what level of governance the Iraqi people will tolerate during this period, particularly if the central government is perceived as corrupt, fails to meet key needs, favors part of the country on an ethnic or sectarian basis, or cannot fund itself through increases in petroleum exports and other sources of revenue. The electoral outcome of the 2010 elections is far less important than the years that will follow, when the government proves whether or not it can put ethnic and sectarian issues aside for the sake of improving governance and meeting the needs of its people.

US experts have identified a long series of near-term risks that will coincide with the election and formation of a government, the period of US withdrawal, and the period before major increases in oil revenues will be substantial enough to cover reconstruction costs. These risks include:

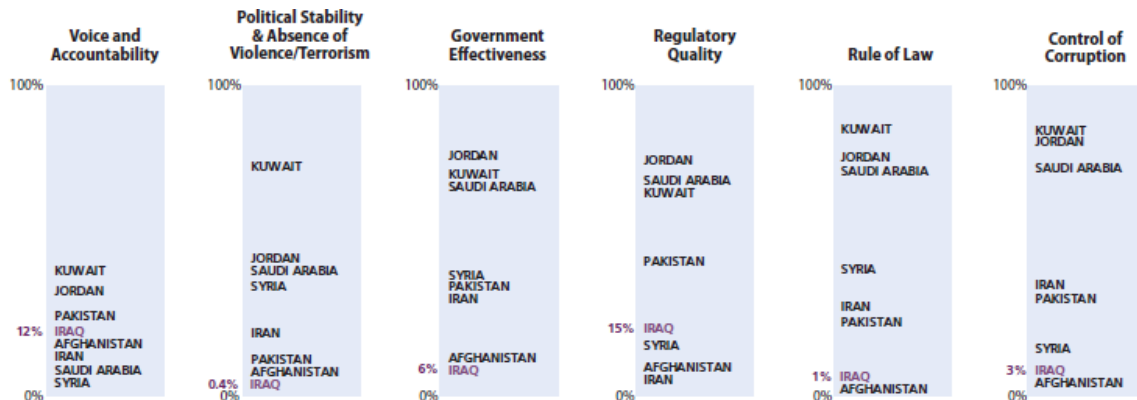
- Iraq's regional neighbors continue to prefer a weak Iraqi government and intervene to undermined the development of a strong state.
- Debates over the Election Law and de-Ba'athification may discredit the election and election process with a significant number of Iraqis.
- Pre-election and post-election posturing and rhetoric undermines relations between groups and leads to turmoil.
- The Council of Representatives (CoR) votes to withdraw confidence in the IHEC.

- Small-scale terrorist acts around the country undermine public confidence and inhibit participation on election day.
- Extended delay in government formation post-election:
 - Losing factions seek to undermine results by calling IHEC’s objectivity into question.
 - Sunnis fail to secure a strong stake in the new government and walk out.
- The fractious, loose coalition in the new government is ineffective or unable to make and implement decisions.
- New government seeks to recentralize powers, ignoring balance ensured in Provincial Powers Act.
- GoI and the Council of Representatives fail to approve and implement legal and economic reforms:
 - Failure to attract investment undermines job creation.
 - Released former militia members are vulnerable to recruitment.
- An upturn in violence overwhelms the Iraqi Security Forces, undermining public confidence in their abilities.
- GoI and KRG withdraw from negotiations to resolve allocation of hydrocarbon resources, DIBs, and security forces, and violent conflict ensues.

Iraq may well deal with all of these challenges over time, but there is little or no practical prospect that the 2010 elections will bring stability and security without years of additional effort, and luck. It is critical that the elections succeed, but only because they are an important prelude to political accommodation and effective governance.

Figure 1: Iraq’s Critical Problems in Governance

Comparative Governance Indicators: Percentile Performance Ranking of Countries



Note: The aggregate governance indicators reflect a statistical compilation of responses on the quality of governance given by a large number of enterprise, citizen, and expert survey respondents. Countries are ranked relative to each other, but relative positions are subject to margins of error.

- **Voice and Accountability**—the extent to which citizens are able to participate in selecting their government, freedom of expression and association, and free media
- **Political Stability and Absence of Violence/Terrorism**—the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means

- **Government Effectiveness**—the quality of public services, quality of the civil service and its independence from political pressures, and quality of policy formulation and implementation
- **Regulatory Quality**—the ability of the government to formulate and implement sound policies and regulations that permit and promote private-sector development
- **Rule of Law**—the extent to which agents have confidence in and abide by the rules of society, and in particular, the quality of contract enforcement, property rights, the police, and the courts
- **Control of Corruption**—the extent to which public power is exercised for private gain, including both petty and grand forms of corruption

Source: Worldwide Governance Indicators Project, “Aggregate Governance Indicators 1996–2008,” 6/2009, <http://info.worldbank.org/governance/wgi/pdf/wgidataset.xls>, accessed 10/19/2009;

Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, “Governance Matters VIII: Governance Indicators for 1996–2008,” World Bank Policy Research, 6/2009,

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1424591, accessed 10/19/2009; CIA, *World Factbook*, www.cia.gov, accessed 10/14/2009; World Health Organization, *Country Profiles*,

www.emro.who.int, accessed 10/13/2009; U.S. Embassy-Baghdad, response to SIGIR data call, 10/3/2009.

Source: Special Inspector General for Iraq Reconstruction (SIGIR), *Quarterly Report to the United States Congress*, (Public Law 108-106, as amended, and Public Law 95-452), October 30, 2009, p. 73.

The Near Term Challenges: 2011-2012

If Iraq does acquire such a balanced coalition, it will still face a near-term loss of governing capacity as new and inexperienced ministers and officials take office, inexperienced politicians learn how to compromise, and the new government reshapes several plans, budgets, and procedures. Successful politics do not necessarily lead to successful governance – particularly if short-term political accommodation comes at the price of ineffective ministers and politicized appointments, or short-sighted spending overshadows longer term nation priorities. It may well take three to twelve months for an Iraqi government to develop the practical governing capacity it needs once a coalition is agreed upon – delaying the real results of the election to at least early 2011.

These problems will not, however, excuse the new government if it fails to act as soon as possible in a wide range of areas where Iraq simply cannot afford a long learning curve. The new government must:

- Revitalize the effort to develop effective Iraqi security forces, and the campaign against insurgents and militias, especially in troubled areas like Ninewa. It must act to resolve the problems created by the CY2009 budget crisis, election-driven political manipulation of some key appointments, and election-driven debates over de-Ba'athification. Put the modernization of the armed forces on an affordable and sustainable track to creating forces for defense and deterrence of foreign threats and shift away from internal security.
- Move towards an effective rule of civil law that adapts Iraq's “confession-based” legal system to pay far more attention to evidence; move the regular police towards ordinary rule of law activity; and find an effective balance between the role of the judiciary and police. Provide the structure to bring security against crime and stability in civil law.
- Resolve the problems left over from 2009 when the annual budget expired without funding a wide range of projects, deal with the deficit problems in the 2010 budget, and put the 2011 budget on a more stable path.
- Perform triage between the mix of Iraqi government projects using the results of US and other foreign aid efforts to ensure the best aid projects are effectively transferred and sustained. Reshape

the overall mix of Iraqi funded development to ensure they are both affordable and serve Iraq's broader interests.

- Find some compromise between Arab and Kurd that at least buys time for a broad, negotiated political settlement, and maintains joint checkpoints, joint patrols, and other procedures to ensure that clashes do not take place between IA/IP and Pesh Merga forces, and between Arab, Kurd, and other minority.
- Find ways to ease the tensions between Arab Sunni and Arab Shi'ite that were exacerbated by the election campaign and new de-Ba'athification efforts. Move back towards inclusion, rather than exclusion. Deal with the legacy of having to integrate the Sons of Iraq into the Iraq security forces.
- Deal with past failures to create effective programs that deal with either internally displaced Iraqis or Iraqi refugees outside the country.
- Move forward to ensure that the petroleum contracts signed in 2009 are fully supported by the new government, show oil companies that other aspects of Iraqi law and tax policies support outside investment, and provide a clearer picture of how Iraq will give such efforts security.
- Make similar reforms to provide incentives for private and foreign investment that are competitive with those offered by other Gulf states.
- Define the practical relations Iraq will have with the United States as part of the Strategic Framework Agreement for both civil and military aid and relations before US forces fully withdraw, and set clear goals for US aid funding to Iraq in the FY2012 budget. These efforts are particularly urgent because the US will decrease its forces from 126,000 at the end of 2009 to 50,000 by September 2010, and to zero by the end of 2011 – during a time when Iraq will still be fighting a serious insurgent threat, will need to build effective armed forces and police, and must simultaneously begin to return to a more normal rule of law.
- Establish a foreign policy that shows Iraq will work with all of its neighbors, and will act independently of Iran without threatening it.
- Find an early modus vivendi with the new powers and role of provincial governments, as well as find more effective ways to give major cities more independence and control over their funds.

Iraq cannot fully succeed in all of these efforts, or even most, during 2010-2011. It must, however, at least begin to address these issues. Many require urgent decisions, and all require at least some action if the government is to win popular support and improve Iraq's relations with other states.

The Longer Term Challenges: 2012-2015 and Beyond

Iraq's new government faces the equally serious mix of longer-term structural challenges shown below. These are challenges that will endure well beyond the next Iraqi national election – and which will test the capability and survival of any Iraqi coalition throughout its coming term of office. These challenges include the need for fundamental economic reforms, and for a stable and effective programs in economic development. The CIA estimates that Iraqis now have a per capita income that ranks 160th in the world – two times lower in rank than any other Gulf state and close to the poverty level of the West Bank and Gaza (166th). Qatar is a rival for the highest rank in the world, and even Iran ranks 85th.

- Complete the constitutional and legal basis for Arab and Kurdish political accommodation; move towards truly “national” treatment of Sunni and Shi'ite.

- Stable planning and funding of economic and infrastructure development.
- Fully shift away from outside aid; create stable planning, spending, and control of budget without major deficits.
- Creation of jobs for steadily growing population. Rise in per capita income from 160th to Gulf standards, better distribution of income.
- Structural reform of agriculture
- Long-term solutions to water problems.
- Conversion-modernization-privatization of state industries.
- Full legislation and liberalization to attract foreign and domestic investment.
- Reconstruction and modernization of upstream and downstream petroleum sector; pipelines and Gulf facilities; stable Iraqi-foreign company partnership.
- Make Ministries effective; revitalize health and education sectors.
- Deal with foreign refugees and internally displaced persons.
- Shift and downsizing of Iraqi military from counterinsurgency to deterrence and defence against foreign threats.
- Complete shift police and security forces from counterinsurgency to rule of law; checks on corruption and organization crime.

There is no way to predict how well Iraqis will deal with this mix of problems. There are many possible “worst cases,” as there are many possibilities of success. What is important is to understand that the election is only the prelude to determining the real path of Iraqi power and governance. It is equally important to understand that Iraq's elections and democracy will not be a model of anything unless the Iraqi government succeeds in bringing security, governance, and development to its people.

These are long-term needs that an effective Iraqi government can make progress in addressing during its full term in office – but not until it is fully in place and has learned how to function. This is necessary to put Iraq back on the road towards full-scale development by 2015, and to show that democracy can work. An Iraqi government that fails in these areas may make the democratic structure of Iraq fail as well. It is all too easy to forget that dictators come to power not only because of their own ambitions but also because of the failure of elected leaders to govern effectively.

Election Results and Shifting Coalitions

The need to improve the capacity to govern is matched by the need to form a government that can make progress in political accommodation. Major shifts are taking place in the makeup of past parties and coalitions, and a host of smaller parties and first-time candidates have emerged since the provincial elections of 2009. Many popular incumbents were challenged by relative newcomers in both the provincial and national elections, and several politicians abandoned past alliances in favor of forming more secular coalitions to try to win greater support from different ethno-religious sects in the country.

Figure 2 shows the initial results of the parliamentary elections that took place on March 7, 2010. Iraqiyya won the most seats in a tight race, with 91 seats (89 seats plus 2 compensation seats) over Maliki's State of Law coalition, which came in second with 89 seats (87 plus 2 compensation seats), the National Iraqi Alliance with 70 seats, and the Kurdistan alliance which won 43 seats. This does not mean, however, that Iraqiyya or any other party can put together a large enough coalition in Parliament to choose the prime minister, then elect cabinet ministers and go on to govern in a cohesive way during its term in office. The winning coalition will need at least 163 seats to form a government, and these coalitions will continue to shift as each party tries to gain concessions in exchange for political support—both before and after the formation of a new government.³

The Iraqi constitution states that bloc with the largest coalition at the time that parliament is seated will have 30 days to try to form a ruling coalition.⁴ If they do not succeed then the party with the second-largest coalition will try and so on. It does not state whether this bloc must be the same coalition that runs in the elections or whether it can be a coalition formed in the days between the election the reconvening of Parliament. Although it may be difficult for second and third place parties to form a large enough coalition in this short period of time, this loophole has already created disputes between leading candidates in the 2010 elections and could prove problematic in future elections.

The whole process reflects how quickly alliances change in Iraq, and how easily they are broken and reformed. In some ways this mixing of alliances generates cross-sect partnerships and fosters cooperation between different ethno-religious groups. But on the other hand it also reflects how shallow these kinds of partnerships really are—they are opportunistic at best with each side trying to get as much for their own group as possible, regardless of who they must ally with to do so.

Even a brief review of some key developments in the months leading up to the March 2010 elections shows the nature of shifting coalitions in Iraqi politics and how the elections may or may not help Iraq move towards political stability.

³ Tony Karon, "Iraq's Election: Can this Deadlock be Broken?" *Time Magazine* (31 March 2010)

⁴ *ibid*

Figure 2: National Election Initial Results

	Iraqi National Alliance	State of Law	Iraqiyya	Unity of Iraq	Tawafuq	Kurdistan Alliance	Other Kurdish	Minority Parties
	Shi'ite Coalition between Sadrists and ISCI	PM Maliki's nationalist coalition	Former PM Allawi's nationalist coalition	Sunni coalition led by Anbar Awakening leaders	Main Sunni party in 2005	Alliance between PUK and KDP	Most of the votes for opposition party, Gorran	Seats allotted for Christians, Turkomen, Yazidis and other minority groups
Basra	7	14	3					
Maysan	6	4						
Dhi Qar	9	8	1					
Muthanna	3	4						
Qadisiyya	5	4	2					
Babel	5	8	3					
Najaf	5	7						
Karbala	3	6	1					
Wasit	4	5	2					
Baghdad	17	26	24		1			2
Anbar			11	1	2			
Salahaddin			8	2	2			
Diyala	3	1	8			1		
Nineveh	1		20	1	1	8		3
Kirkuk			6			6		1
Arbil						10	4	1
Dahuk						9	1	1
Sulaymaniya						8	9	
Total + Compensation (C)	70 68+2C	89 87+2C	90 89+2C	4	6	43 42+1C	14	8

Source: adapted from Reidar Visser, "Uncertified Election Results: Allawi comes out on top" *Historiae.org* (26 March 2010)

Shifting Shiite Coalitions Maliki and the State of Law Coalition

One of the most important developments in the run-up to the 2010 election was Maliki's decision to split from the Shi'ite coalition that named him Prime Minister in 2005 and to form his own nationalist party, the State of Law (SOL) coalition. The announcement of his new multi-ethnic coalition came on October 1st of 2009, a few months after Maliki campaigned successfully in the 2009 provincial elections for several nationalist

politicians.⁵ Maliki's SOL coalition was made up of candidates from more than 40 parties, including some Sunni tribal leaders and politicians as well as moderate Shiite ministers and lawmakers.⁶

Yet despite this cooperation from some Sunni politicians, SOL did not receive support from prominent Sunni parties like Iraqiyya, Unity of Iraq or Tawfiq, or from influential Sunni politicians like Ahmad Abu Risha, the Anbar Awakening leader Maliki teamed up with in the local elections.⁷ Furthermore, Maliki's effort to win Sunni support was undermined by his willingness to accept the decision to ban over 500 candidates—many of them secular nationalists—from the March elections. This decision was made by the Accountability and Justice Commission with at least some Iranian support, and Maliki made the mistake of assuming that by supporting it he would win more Shi'ite votes than lose Sunni votes. In addition, Maliki's relations with Iraqi Kurds had deteriorated, although debates over the election law in November 2009 seemed to bring the Shi'ite and Kurdish factions together in opposition to the Sunnis. Maliki faces hard choices in forming governing coalition in Parliament, especially since there are some members of State of Law who are heavily opposed to Kurdish influence in disputed territories.

Maliki's issues with other factions in the Iraqi Parliament have compounded these problems. At times Maliki tried to consolidate his power within the office of the Prime Minister in ways that alienated other Iraqi politicians, and created fears of – not support for -- “a strong leader.” Many members of the Council of Representatives felt he was trying to take too much control over some of the security forces and bypassing the proper appointment process. Moreover, Maliki received criticism in June 2009 for failing to prevent several large-scale attacks on targets like government ministries—bombings that killed hundreds of people and caused many to question the effectiveness of the Iraqi security forces.

There is no doubt that Maliki and the State of Law party will play a part in the new Parliament—his party lost to Iraqiyya by only 2 seats—and he will have one of the largest coalitions in Parliament. Whether or not Maliki will play a role in forming the new executive government, however, remains to be seen. The political battles over electing a prime minister and choosing cabinet ministers will take months and will likely involve a continuing shift of alliances.

State of Law Key Leaders:

Nuri Kamal al-Maliki (Shi'ite): Current prime minister. Left the U.I.A. to recast himself as secular.

⁵ Gina Chon “Iraq Premier Announces Broad New Coalition Ahead of Polls” *The Wall Street Journal* (1 Oct 2009)

⁶ Gina Chon “Iraq Premier Announces Broad New Coalition Ahead of Polls” *The Wall Street Journal* (1 Oct 2009)

⁷ Reidar Visser “Maliki Re-Launches the State of Law List: Beautiful but Is It Powerful Enough?” *historiae.org* (1 Oct 2009) <http://historiae.org/state-of-law.asp>

Hajim al-Hassani (Sunni): Former speaker of the National Assembly.

Sheik Ali Hatem al-Suleiman (Sunni): A powerful tribal leader in Anbar Province.⁸

The Sadrist Movement

Leaders of the anti-American Sadrist movement made significant changes to their political role and election strategy leading up to the 2010 elections. They decided to join the Hakim faction of ISCI to form the largely Iraqi Shi'ite coalition, the Iraqi National Alliance—a stark departure from their previous reluctance to participate in Iraqi politics. On October 16, 2009, the Sadrists also held Iraq's first primary election in an attempt to restore the party's popularity after its losses in the provincial elections of 2009.⁹

The Sadrists reported that the primaries had an impressive turnout, with crowds lined up outside voting centers in Sadr City to cast their ballots. Signs on the walls and slogans blaring from loudspeakers—complete with an election song, “I am Sadrist and I vote Sadrist”—were used to support the movement.¹⁰ The Sadrists claimed to allow voters to select candidates, rather than have party leaders select them behind closed doors, and reported that some 800 candidates participated in the primary, conducted at over 400 polling stations.¹¹

Although Sadrist officials exaggerated this turnout—they claimed figures as high as 1.5 million when only 250,000 had registered two days prior, the primaries were a success in that they organized and rallied a population that had previously shown a lack of interest in participating in Iraqi elections.¹² Furthermore, the primaries helped narrow down the field of candidates on the ball to avoid splitting the Sadrist vote in the south, a strategy that proved very successful at the polls—Sadrists fared far better than any other party in the INA coalition. **Figure 3** shows the distribution of votes within the Iraqi National Alliance, with Sadrists winning more seats than all other parties in the coalition combined.¹³

This victory came as a surprise to many observers and gave the Sadrists an important role in the formation of a new government—the potential to be “king makers,” an advantage only the Kurds had enjoyed in the previous election. The support of the Sadrists will be

⁸ *The New York Times*, “In Iraqi Elections, Familiar Faces but New Coalitions” (2 March 2010)

⁹ Jenon Hussein and Mohammad al Dulaimy “An Iraqi primary election draws crowds but lacks safeguards” *McClatchy newspapers* (16 Oct 2009)

¹⁰ Jenon Hussein and Mohammad al Dulaimy “An Iraqi primary election draws crowds but lacks safeguards” *McClatchy newspapers* (16 Oct 2009)

¹¹ Liz Sly “Iraqi primary election ordered by Muqtada Sadr draws voters” *LA Times* (17 Oct 2009)

¹³ Reidar Visser, “The Sadrist Watershed Confirmed” *Historiae.org* (March 29 2010)

¹³ Reidar Visser, “The Sadrist Watershed Confirmed” *Historiae.org* (March 29 2010)

important not only in forming a new government but also in passing important legislation through Parliament over the next five years.

Sadrist Party Key Leaders:

Moktada al-Sadr (Shi'ite): Leads an anti-American group with a strong militia and has loose links to the U.I.A.¹⁴

ISCI and the INA

Ammar al-Hakim, the new leader of ISCI, the most prominent party in the Iraqi National Alliance, made few changes to his political strategy and ISCI steadily lost popularity throughout 2009 and early 2010. He continued to follow his father's platform, supporting the policy of dividing the country into several different governorates based on sect or ethnicity—a stark departure from the platforms of most other Iraqi politicians.¹⁵ Representatives of several Shiite and Sunni parties including Dawa, Iraqiyya, Hiwar and the Sadrists did not favor federalism and expressed skepticism about the creation of any new federal states.¹⁶ In addition, ISCI's decision to expand its circle of allies to include the Sadrist party in its new governing coalition, the Iraqi National Alliance (INA), turned out to be far more favorable for Moqtada al Sadr than it was for Ammar al-Hakim and ISCI. Gaining support from the Sadrists was an important step for the Iraqi National Alliance in re-uniting Iraq's Shiites, forming a strong opponent to more national parties like Maliki's SOL coalition, but it also weakened ISCI's position within parliament relative to other Shi'ite coalitions. As **Figure 3** shows, out of the parties in the INA coalition, ISCI came in third with only 8 seats, compared to 39 seats for the Sadrists.

Although ISCI has lost much of its previous influence, it will still play a major role in any Shi'ite alliance in Parliament. Although this does not seem as likely to happen as it has in the past, politics in Iraq remain largely divided along ethnic and sectarian lines and alliances are constantly shifting. In addition, ISCI still has backing from Iran and has some proven and highly competent leaders like Vice President Adil Abdul-Mahdi.

ISCI Key leaders:

Ammar al-Hakim (Shi'ite): Became leader of the I.S.C.I. (formerly SCIRI), one of the two main Shiite parties, when his father died.

¹⁴ *The New York Times*, "In Iraqi Elections, Familiar Faces but New Coalitions" (2 March 2010)

¹⁵ Reidar Visser "Hakim Still Dreaming about Regions" *Historiae.org* (8 Oct 2009), <http://gulfanalysis.wordpress.com/2009/10/08/hakim-still-dreaming-about-regions/>

¹⁶ Reidar Visser "Hakim Still Dreaming about Regions" *Historiae.org* (8 Oct 2009), <http://gulfanalysis.wordpress.com/2009/10/08/hakim-still-dreaming-about-regions/>

Ibrahim al-Jaafari (Shi'ite): Former prime minister. Left Dawa, one of the two most powerful Shiite parties, to form a new party in 2008.¹⁷

Adil Abdul-Mahdi (Shi'ite): Vice President of Iraq

Figure 3: Election Results within the Iraqi National Alliance

	Sadr	Badr	ISCI	Jaafari	Fadila	Other
	Loyalists of religious leader Moqtada al-Sadr	Previously the Badr Brigade, armed wing of the Supreme Iraqi Islamic Council (SIIC)	Ammar al-Hakim faction of the INA	Faction of former Prime Minister-elect and Dawa spokesman Ibrahim al-Jaafari (replaced by Maliki in 2005)	Followers of Mohammad Ya'qubi, a student of Moqtada al-Sadr	Independent Shi'ite politicians or smaller parties
Basra	3	1			2	1
Maysan	3	1			1	1
Dhi Qar	4	2	1		2	
Muthanna	2	1				
Qadisiyya	2	1	2			
Babel	3	1	1			
Najaf	3	1				1
Karbala	2		1			
Wasit	3					1
Baghdad	12		2	1	1	1
Diyala	2	1				
Nineveh			1			
Total	39	9	8	1	6	5

Source: adapted from Reidar Visser, "The Sadrist Watershed Confirmed" *Historiae.org* (29 March 2010)

Divided Sunni Parties

Sunni politics remained fragmented, although there was a much higher Sunni turnout in the March 2010 elections than they was in 2005. This was particularly important because many had feared that the major Sunni parties would pull out of the national elections when the Accountability and Justice Commission banned over 500 candidates from participating. Although some Sunni leaders did threaten to withdraw, all major Sunni parties competed in the elections and with considerable voter turnout the largely Sunni

¹⁷ *The New York Times*, "In Iraqi Elections, Familiar Faces but New Coalitions" (2 March 2010)

party Iraqiyya managed to surpass even Maliki's State of Law coalition to win a plurality of votes.

Iraqi Unity

The Iraqi Unity coalition, led by Interior Minister Jawad al-Bolani and Sunni Awakening leader Ahmed Abu Risha, did surprisingly poorly in the parliamentary elections, trailing far behind Iraqiyya and even slightly behind the lesser known Tawaffuq list in Iraq's Sunni provinces.¹⁸

This came as a surprise to observers who had argued that the Awakening would rise to political power through elections and warned against the dangers of excluding Sunni parties from the political system or failing to accommodate their needs. Indeed Abu Risha did threaten to turn Anbar into a "graveyard" during the 2009 provincial elections if his list failed to win. The party's attitude tempered, however, in 2010.¹⁹ Despite a poor showing in the national elections, candidates from Iraqi Unity did not make similar threats in March 2010.

Part of the reason they were more willing to accept the outcome may be because the party had lost support in the months prior to the elections. Many Sunnis accused the party's leading candidates and officials of corruption and incompetence because of their failure deliver on promises of rapid improvements in security, governance and economic development.²⁰ In addition, the Awakening lost some of its prestige as the party that ousted Sunni insurgents from provinces like al-Anbar as the threat of attacks from the Islamic State of Iraq faded.

The defeat of Unity also demonstrates that Iraqis showed little support for groups with close ties to the United States. Teaming up with American soldiers to defeat Sunni insurgents may have been a good strategy to garner popular support in 2007, but with nationalism rising to the forefront of Iraqi politics, being "America's man in Anbar" did not appeal to voters who were eager to reduce the presence of U.S. soldiers and civilian personnel in Iraq.²¹

Iraqi Unity Key Leaders:

Jawad al-Bolani (Shi'ite): Interior minister. Part of a coalition that won no seats in 2005.

Sheik Ahmed Abu Risha (Sunni): A leader of the Awakening movement in Anbar Province.

Sheik Ahmed Abdul Ghafur al-Samaraei (Sunni): Leads a party with Shiite and Sunni religious groups.²²

The Iraqi Accord Front and the Iraqi Islamic Party

¹⁸ Marc Lynch, "Washout for the Anbar Awakening" *Foreign Policy* (16 March 2010)

¹⁹ Marc Lynch, "Washout for the Anbar Awakening" *Foreign Policy* (16 March 2010)

²⁰ Marc Lynch, "Washout for the Anbar Awakening" *Foreign Policy* (16 March 2010)

²¹ Marc Lynch, "Washout for the Anbar Awakening" *Foreign Policy* (16 March 2010)

²² *The New York Times*, "In Iraqi Elections, Familiar Faces but New Coalitions" (2 March 2010)

The largest Sunni bloc to compete in the 2005 national elections, the Iraqi Accord Front, also known as Tawafiq (meaning “change” in Arabic), no longer had the same dominance over Sunni politics it once did, although it performed surprisingly better than its rival, Iraqi Unity in the 2010 elections. Its relative success in 2005—compared to other Sunni parties—stemmed mainly from its ability to exploit the Sunnis’ lack of participation and rally a small group of constituents willing to participate in the election. This time, the Accord Front had to win broad popular support and deal with the fact that ten leading members broke away to form the Iraqi National Dialogue Front--some of these members later joined Iraqiyya. The Iraqi Accord Front experienced further setbacks when prominent politicians like Vice President Tariq al-Hashemi also broke away from the coalition to join Iraqiyya and other political parties in late 2009.²³

The Iraqi Accord Front nominated 49 candidates for the 2010 presidential and parliamentary elections and although it managed to surpass Iraqi Unity in almost every province. At the same time, it fell far behind nationalist candidates in the final tally largely because Sunni votes went to Iraqiyya.²⁴ **Figure 2** shows these election results.

The Iraqi Islamic Party, the Iraq branch of the Muslim Brotherhood with former ties to the Iraqi Accord Front, also lost some of its former allies. It still had support from 7 MPs from the Conference for the People of Iraq coalition and from a couple of Kurdish and Turkmen factions, but members of other Sunni parties like the National Dialogue Council of Sheikh Khaled al-Alayan and the Independent Arab Bloc strayed from the main coalition, approaching rival parties and running candidates of their own.²⁵ Some tribal leaders even decided to ally with the main Shiite bloc, the Iraqi National Alliance.

Iraqi Accord Front (Tawafuq) Key Leaders:

Osama Tikriti (Sunni): Secretary General of Iraq

Ayad Samarraie (Sunni): Speaker of Iraqi Parliament²⁶

Iraqiyya and The Emergence of Nationalist Politics

Former Prime Minister Ayad Allawi’s party, Iraqqiya, did surprisingly well in the national elections, winning a plurality of votes, although not enough to automatically form the new government. Iraqiyya includes prominent politicians from both the Shi’ite and Sunni camps including Vice President Tariq al-Hashimi, defense minister Abdul-Kader Jassem al-Obeidi and head of the National Dialogue Front Saleh al Mutlaq—although al-Obeidi and Mutlaq were among the 500 candidates banned from the elections on account of their suspected Ba’athist affiliations. They continued to actively campaign for the party, however, despite not being allowed to run.

²³ *The Carnegie Endowment for International Peace* “The Iraqi 2010 Elections: Iraqi Accord” <http://www.carnegieendowment.org/publications/special/misc/iraqielections2010/index.cfm?fa=ia>

²⁴ “Iraq Sunni splits offer hope of less sectarian politics” *Associated Foreign Press* (19 Oct 2009)

²⁵ “Iraq Sunni splits offer hope of less sectarian politics” *Associated Foreign Press* (19 Oct 2009)

²⁶ *The Carnegie Endowment for International Peace* “The Iraqi 2010 Elections: Iraqi Accord” <http://www.carnegieendowment.org/publications/special/misc/iraqielections2010/index.cfm?fa=ia>

Iraqiyya is unique in that Allawi, the front-runner for prime minister, stayed behind the scenes during the initial formation of the coalition, allowing major Sunni politicians like al-Hashimi and Deputy Prime Minister Rafa al-Essawi deliver speeches and campaign for public support.²⁷ Although Allawi is a Shi'ite the party managed to garner considerable support from Sunni voters, who favored candidates like Mutlaq and al-Obeidi. The party ran on a platform of improving security and basic services like electricity, water and healthcare.

During the elections Iraqiyya did especially well in majority Sunni provinces, where other Sunni parties expected to do far better. Iraqiyya also managed to win a few votes in Shi'ite provinces and did very well in mixed regions in the northern Iraq and Baghdad.

In many ways the success of the party does signal a change in Iraqi politics—albeit a slight change. The Iraqiyya campaign focused more on policy than on ethnicity, forcing its opponents to address security and development issues rather than appeal to ethnic and sectarian preferences. Although Sunni voters did still vote for Sunni parties and Shi'ite voters voted for Shi'ite parties, the majority voted for more moderate candidates from mixed lists like Iraqiyya and SOL as opposed to lists that were strictly Shi'ite or Sunni lists like INA or Iraqi Accord.

There may be even greater cooperation between Iraqiyya and Shi'ite parties within Parliament, although this cooperation will probably be more opportunistic than something approaching a true partnership. Sadrists in particular have voiced their support for Ayad Allawi and for Iraqiyya and could be potential allies in the future, particularly because of the deep rivalry since Maliki defeated al-Sadr's militia in 2008.²⁸

Iraqiyya Key Leaders:

Ayad Allawi (Shi'ite): Former prime minister with strong links to Western and Arab countries.

Saleh al-Mutlaq (Sunni): Former candidate, now barred from the election.

Tariq al-Hashimi (Sunni): A current vice president. He ran with the Sunni coalition in 2005.²⁹

Shifts in Kurdish Politics

Although Kurdish parties always voted as a unified bloc in the past, often taking on the role of “Kingmaker” in exchange for heavy concessions, Kurdish politics began to change in 2009 with the emergence of the Gorran party. They also shifted as a result of a change in voting laws. Because voters could choose individual candidates in the March 2010 elections—as opposed to voting for political parties by list—the main candidates of the Kurdish Alliance, Kurdish President Massoud Barzani and Iraqi President Jalal Talabani, campaigned separately. Although they ran as one coalition, the number of votes that each

²⁷ Greg Carlstrom, “Allawi Unveils his Iraqiyya Coalition” *The Majlis* (16 Jan 2010)

²⁸ “Shi'ite Sadrists make resurgence in Iraq election” *Taiwan News* (3 April 2010)

²⁹ *The New York Times*, “In Iraqi Elections, Familiar Faces but New Coalitions” (2 March 2010)

party received determined its weight in the coalition, thus creating the incentive for internal competition.

Several former members of the Kurdish Alliance, particularly members from Talabani's Patriotic Union of Kurdistan (PUK) party, broke away from the Alliance in 2009 to form the new opposition party, Gorran—which means “change” in Kurdish.³⁰ Gorran did well in the 2009 provincial elections, running on a platform of anti-corruption and capitalizing on the disenfranchisement of some Kurds who consider the regional government corrupt and autocratic.³¹ Gorran also spoke out against patronage in the Kurdish political system, another common complaint among voters.

Gorran is especially popular with young voters (under 25), which make up roughly 60 percent of the region's 4.5 million people.³² These voters are much more concerned with current governance than the memory of old struggles that the more established groups went through for Kurdish autonomy but they are very familiar with the corruption and lack of diversity that defines Kurdish politics today.

Gorran had less success in winning parliamentary seats in the March 2010 elections, but did well enough to potentially affect Kurdish relations with the central government. As **Figure 2** shows, Gorran won a total of 14 seats in the election, which is a small figure compared to the 43 seats won by the Kurdish Alliance, but still gives Gorran some political sway in Parliament if it trades on its ability to split with—or threaten to split with—the Kurdish bloc.

There are still many unresolved issues between Baghdad and the KRG including how to share oil wealth and where the official lines of the KRG border should lie. If Arab parties can divide the Kurdish bloc in parliament then they may be able to forgo some of the concessions necessary to gain Kurdish support in the past. This fracturing of alliances could alter the system that has existed for the past five years.

Nevertheless, Gorran is still a Kurdish party and ethnic ties are far more difficult to break in Iraq than political ties. Whether or not it supports Talabani or Barzani, Gorran will still likely support legislation to extend Kurdistan's territory and gives the KRG the right to sign its own oil contracts with foreign companies. The more divisive issues will be whether or not Gorran supports Talabani's bid for president or whether a separate party can pull them away from the Kurdish Alliance in favor of promoting some of their own elected officials. The way these dynamics will play out remains to be seen, but what is certain is that there is a window of opportunity for Arab leaders to break through the solidarity of Kurdish alliances—however small that window may be.

Kurdish Alliance Key Leaders:

Massoud Barzani (Kurd): President of the Kurdistan region.

³⁰ Sam Dagher, “Opposition Rattles a Governing Coalition in Iraqi Kurds' Vote” *The New York Times* (26 July 2009)

³¹ Sam Dagher, “Opposition Rattles a Governing Coalition in Iraqi Kurds' Vote” *The New York Times* (26 July 2009)

³² Sam Dagher, “Bloc Takes on Entrenched Kurdish Parties in Iraq” *The New York Times* (6 March 2010)

Jalal Talabani (Kurd): Iraq's president and co-leader of the P.U.K.³³

Gorran Key leaders:

Nawshirwan Mustafa (Kurd): Co-founded the P.U.K., but left in 2009 to create Gorran.³⁴

The Impact of Pre-Election Debates on Coalition-Building and Governance

Several controversies arose in the months preceding the March, 2010 elections that now affect coalition building and threaten to divide Iraqi politics further along ethnic and sectarian lines. Debates over the election laws, the status of Kirkuk and the Accountability and Justice Commission's decision to ban "Ba'athist" candidates all contribute to overall levels of hostility between different ethnic groups in Parliament, further inhibiting the process of reconciliation.

The Struggle Over Passing an Election Law

The national elections law should have gone into effect by October 2009 to meet January 30, 2010 deadline for the election originally set by the Independent High Electoral Commission. However, disagreements over the technicalities involved in mapping districts and changing the list system held up the legislation until lawmakers finally reached a compromise in late November. It was this political infighting that delayed elections until on March 7th, 2010. Three contentious issues delayed this legislation that will play out over a period of years in the future:

- *The first is whether the ballot should follow the current list system in which voters choose an electoral list, or an open list system in which voters elect individual candidates of their choice.* Parliament more or less resolved this issue in late 2009 and implemented an open-list system in the new Iraqi elections law. It is not necessarily that voters don't know who they are voting for under a closed-list system. The names of candidates are still available to the public; voters just are not allowed to rank the candidates in order of preference. In a closed list system the party ranks the candidates and in an open list voters can chose their own order. Therefore, keeping the closed list system makes it more difficult for a non-partisan candidate to take office.
- *The second issue holding up legislation is how votes should be counted in Kirkuk, where demographic reports have yet to determine the ethnic makeup of the region.*³⁵ Arabs, Kurds and Turkmen all claim rights to the oil-rich province and disagree over whether all of the residents of Kirkuk should be eligible to vote.³⁶

³³ *The New York Times*, "In Iraqi Elections, Familiar Faces but New Coalitions" (2 March 2010)

³⁴ *The New York Times*, "In Iraqi Elections, Familiar Faces but New Coalitions" (2 March 2010)

³⁵ Reidar Visser "A Closed Assembly will Produce a Closed List" *Historiae.org* (16 Oct 2009) <http://gulfanalysis.wordpress.com/2009/10/16/a-closed-assembly-will-produce-a-closed-list/>

³⁶ "Disputes over Kirkuk delay new election law" *LA Times* (19 Oct 2009)

In the past few years, thousands of Kurds have migrated back to Kirkuk after being expelled by Saddam Hussein, who relocated the Kurds from the province in order to settle Arabs there.³⁷ Arabs and Turkmen have argued that this massive influx of Kurds by far outweighs the effects of Saddam's "Arabization" policy and gives them an unfair advantage in the national elections. So far the Kurds have rejected any proposal to treat Kirkuk as a special case and the compromise to rule on voter fraud after the elections may just delay a final decision, further prolonging the problem.³⁸

- *The third issue has been how to allow votes from Iraqis outside Iraq and how to count them.* This issue is particularly sensitive because so many of the displaced Iraqis outside Iraq are Sunnis, have some Ba'athist ties, or are relatively "nationalist" and "secular."

The politics of these debates are difficult to keep in perspective. Iraqis have a tendency to push debates and time limits to the point where the need for a decision creates an apparent crisis, and then suddenly resolve the issue through backroom compromises.

The precedents, however, do not indicate these issues will be easy to resolve in the future. Deadlines for passing the 2009 election law came and went as Iraqi politicians failed to come to a consensus on Kirkuk. The Political Council for National Security had come up with three possible compromises on the Kirkuk issue: (1) revise the electoral registers of 2004, which do not include the increase in voters as the 2005 law does, (2) divide Kirkuk into two electoral districts, distinguishing between voters who live in Kirkuk as opposed to those who are registered there (the former group would be eligible to vote in the district) and (3) postpone the elections in Kirkuk until after surveys are conducted to determine the region's true demographics.³⁹

However, each time Iraqi politicians and UN officials proposed some form of these solutions to the problem, and seemed to come to reaching a compromise, the legal committee of the Parliament held a brief session without results and adjourned for the day without a final decision. On October 26th, for example, it seemed that Iraqi politicians had drafted a compromise that would finally push legislation on the election law through Parliament. Partly in response to the devastating bomb attacks that occurred the day before, a "tri-lateral meeting of the presidents," headed by PM Maliki, President Talabani and Speaker of Parliament Samarraie, came to an agreement over the dispute based on the three recommendations given by the Political Council for National Security.

Negotiations then fell apart over objections from the Iraqi elections commission (IHEC), supported by the Kurds and UNAMI (the UN Assistance Mission for Iraq). UNAMI tried to block at least two, if not three, of the proposals drafted by Iraqi leaders, on account of the "technical problems" that those options might present in planning for the election.⁴⁰ UNAMI instead favored adopting the 2009 register of voters followed by a study to

³⁷ "Disputes over Kirkuk delay new election law" *LA Times* (19 Oct 2009)

³⁸ "Disputes over Kirkuk delay new election law" *LA Times* (19 Oct 2009)

³⁹ Reidar Visser "More Alternatives for Kirkuk Emerge" *Historiae.org* (26 Oct 2009) <http://gulfanalysis.wordpress.com/2009/10/26/more-alternatives-for-kirkuk-emerge/>

⁴⁰ Reidar Visser, "What exactly is UNAMI up to in the Iraqi Parliament?" *Historiae.org* (28 Oct 2009)

conclude whether there are irregularities in registration (with a wide margin of 33%), an option that only managed to garner support from Kurdish officials.⁴¹

The IHEC responded by proposing a second alternative that would guarantee some kind of minimal communal representation to each of the four main ethnic groups in the region (Sunni, Shiite, Kurd and Turkmen) and would allow Kirkuk to remain competitive with 5 representatives chosen by the electorate.⁴² This proposal seemed to be a workable compromise by leaving the potential for cross-sect voting in Kirkuk while guaranteeing each sect a spot at the table.

Iraqi politicians did finally reach an initial compromise over the Kirkuk issue on November 8th – the compromise was similar to the UNAMI plan but without specific mention of retroactive allocation of seats. Iraqi politicians did seem come to a consensus when they passed a law on November 8th (although this agreement soon faced further criticism from different factions claiming underrepresentation).

The agreement, brokered by the United States and the UN, stated that Iraq would use the 2009 voter registration lists in Kirkuk, and Parliament would review the results after the election to determine whether the number of voters of a particular sect in any given district seems suspiciously high.⁴³ If they did find discrepancies in the voting, a team overseen by the United Nations would further investigate the matter to determine if fraud had occurred. The new election law also contained other expected provisions including open lists, governorate-level constituencies and minority seats for Christians, Sabaeans, Yazidis and Shabak.⁴⁴ It is difficult to tell whether this compromise over Kirkuk can now help solve the broader issue or has merely delayed the issue until a new government is formed.

Sunni Complaints

Other uncertainties in Iraqi political accommodation then threatened to delay or disrupt the election that highlight the need for Sunni and Shi'ite political accommodation. On November 17th Sunni Vice President Tareq al Hashimi vetoed the election law on the grounds that it did not guarantee enough seats to Iraqi refugees living abroad.⁴⁵ He objected to the fact that the law limited the proportion of “compensatory” seats in Parliament that would go to displaced Iraqis to 5%, which is 10% lower than it was in 2005. Hashimi asked Parliament to raise the number back up to 15% for the 2010 elections.⁴⁶ Most Iraqi refugees are Sunni Arabs, and Hashimi argued that failing to

⁴¹ Reidar Visser, “Objections by the Kurds, the IHEC and UNAMI; The Legal Committee Comes Up with Two More Alternatives for Kirkuk” *Historiae.org* (Oct 29 2009)

⁴² Reidar Visser, “Objections by the Kurds, the IHEC and UNAMI; The Legal Committee Comes Up with Two More Alternatives for Kirkuk” *Historiae.org* (Oct 29 2009)

⁴³ Timothy Williams, “Iraq Passes Crucial Election Law” *The New York Times* (8 Nov 2009)

⁴⁴ Reidar Visser, “The Election Law is Passed: Open lists, Kirkuk Recognized as a Governorate with ‘Dubious’ Registers” *Historiae.org* (8 Nov 2009)

⁴⁵ Rod Nordland, “Veto of Iraq’s Election Law Could Force Delay in Vote” *The New York Times* (18 Nov 2009)

⁴⁶ Sameer N. Yacoub, “Iraqi official’s threat puts vote in question” *The Los Angeles Times* (15 Nov 2009)

include them would give Shiite and Kurdish parties an unfair advantage in the 2010 elections.

Hashimi's plan backfired, however, when Shiite and Kurdish lawmakers banded together and instead of addressing the vice president's complaints, passed an amendment on November 4th that effectively reduces the number of Parliamentary seats for Sunni districts. The amendment expanded the number of Parliamentary seats from 275 to 320 – giving more seats to Shiite and Kurdish areas and reducing the amount allocated to Sunni districts.⁴⁷ The revision rearranged the distribution of seats in the country to reflect 2005 Trade Ministry registered voter statistics with a 2.8% population increase, instead of the 2009 population census.⁴⁸ This Iraqi version of gerrymandering favored Shiite and Kurdish candidates by expanding their districts while further limiting the number of Sunni candidates likely elected to office.

The Hashimi veto thus had the unintended effect of both reducing Sunni representation, alienating the Kurds and pushing Shiite and Kurdish factions towards the alliance they had back in 2005. It also undermined at least part of the improved relationship that Sunnis and Shiites had forged over the past few months. As a result, several Sunni lawmakers walked out of the pre-vote session in protest, arguing that Shiite legislators were focusing mainly on appeasing Kurdish factions in order to establish a majority alliance that could override the presidential veto. This resurfacing of political alliances against Sunni lawmakers worries US officials, who do not want to see disenfranchised Sunnis retaliate violently against the government.⁴⁹

In a last minute decision, shaped in part by U.S. negotiating efforts, Iraqi politicians came to a compromise over the issue on December 7th and passed the final law, delaying elections until March.⁵⁰ The compromise proposal redistributes vote allocation and expands the total number of Parliamentary seats from 275 to 325 to include various ethnic and religious factions. The revised law states that the votes of Iraqis abroad will be counted in their province of origin, which alleviates concerns that caused Hashimi to veto the law in the first place. The new law also included 15 compensatory seats – eight at-large seats for Christians and seven seats that will be distributed by the top election winners.⁵¹

Hashimi then lauded the final compromise stating, "The past 12 days have made our democratic process stronger. This outcome will change Iraq from a sectarian state to a civilized state."⁵² The compromise did satisfy most parties although some still disagree

⁴⁷ "Iraq election law faces second veto" *The Associated Press* (24 Nov 2009)

⁴⁸ "Iraqi elections face delay" *The Associated Press* (24 Nov 2009)

⁴⁹ Nada Bakri "Iraqi lawmakers pass amended election measure" *The Washington Post* (24 Nov 2009)

⁵⁰ Ernesto Lodoño, "Iraqi lawmakers reach deal on seat allotment ahead of election" *The Washington Post* (7 Dec 2009)

⁵¹ Ernesto Lodoño, "Iraqi lawmakers reach deal on seat allotment ahead of election" *The Washington Post* (7 Dec 2009)

⁵² Ernesto Lodoño, "Iraqi lawmakers reach deal on seat allotment ahead of election" *The Washington Post* (7 Dec 2009)

with the revised bill. The Kurds were hoping to secure additional seats – 48 total for the Kurdish provinces – but they ended up 43 seats, around the same figure that they originally had. The total distribution of seats was as follows:

Baghdad: 68 seats

Nineveh: 31

Basra: 23

Thi Qar: 18

Babylon: 16

Sulimaniyah: 17

Anbar: 14

Irbil: 14

Diyala: 13

Kirkuk: 12

Saladin: 12

Najaf: 12

Wasit: 11

Qadisiyah: 11

Maysan: 10

Duhok: 10

Karbala: 10

Muthana: 7

(Kurdistan territory: 43 seats)⁵³

Some Kurdish lawmakers complain United States pressured representatives into passing the law and that the final version did not give Kurds adequate representation. Yet some Sunnis criticized Vice President Hashimi for protecting the rights of displaced Iraqis at the expense of allowing the Kurds to have more seats. What is now important is that the new compromise did not do much to reassure Sunni lawmakers; nor show that Iraqi politicians are ready to look beyond ethnic and sectarian alignments to forge some kind of unity in Parliament.

At the same time the process does demonstrate the United States can help by using its influence to win support for compromises when all three parties have come to an impasse. It shows that the U.S. embassy should maintain close ties with Iraqi lawmakers to ensure that the US can mediate future political disputes.

The compromise decision also showed that the Kurds and Shiites were conscious enough of the need for political unity to back down from their original threat to bypass Hashimi's veto – they did so even though they had enough votes in Parliament to push the legislation through without his approval. Instead, some ISCI and Sadrist members, specifically Hadi al-Amiri and, according to some sources, Nassar al-Rubaie, did attend emergency meetings with Sunni and Nationalist lawmakers including Hashimi, Rafi al-

⁵³ Reidar Visser, "No Second Veto: The Election Law is Approved by Tariq al-Hashemi and the Iraqi Presidency" *Historiae.org* (6 Dec 2009)

Isawi and Ayad Allawi.⁵⁴ This kind of cooperation is a sharp contrast to the kind of ethnic and sectarian fighting that dominated Iraqi politics in 2005. Although it is clear that some of these issues do still exist, and that the United States played a large role in pushing through this legislation, it is also important to recognize the progress that Iraqi politicians have made in the past five years.

DeBa'athification

The worst legacy of the pre-election politics came from a sectarian effort to manipulate de-Ba'athification that seriously undermined Shi'ite and Sunni accommodation. In early January, 2010, the Accountability and Justice Commission announced that its plans to ban over 500 candidates from the March elections on account of their ties to Saddam's former Ba'athist party. There were some reasons for concern. Some of the country's Shi'ite leaders had accused the Ba'ath party of participating in the high profile attacks on government buildings in August, October and December of 2009. As a result, they tried to exclude officials with suspected ties to the party, although many Sunni and nationalist Iraqi leaders complained that this became an effort to exclude Sunni candidates with no meaningful ties to Saddam Hussein's regime or "neo-Ba'athists."⁵⁵

Some of the exclusion efforts bordered on the ridiculous. Among the candidates banned from participating in the elections were defense minister, Abdul-Kader Jassem al-Obeidi and Saleh al-Mutlaq, a Sunni head of the National Dialogue Front who allied with former Prime Minister Ayad Allawi, a Shi'ite, for the 2010 ballot. As a result, some fear such bans may produce future elections that disenfranchise Sunni voters, a situation that led to the brink of civil war after 2005. Both Sunni and Shi'ite candidates did, however, speak out against the Commission's decision – Mr. Allawi stated that it was "a process of severe intimidation and threats [and] it is clear that they want to get rid of their opponents."⁵⁶

The process of excluding candidates was also shrouded in secrecy and seems to have been influenced by Iran and Ahmed Chalabi. The chairman of the Accountability and Justice Commission announced the decision on Al Arabia, a Dubai-based television channel, without informing either Iraqi or American officials. Many politicians have questioned whether decisions made by the commission are even binding or legal. Furthermore, its director, Ali Faisal al-Lami was the former chairman of the De-Ba'athification Commission set up by L. Paul Bremer set up in 2003, and had previously proven to be a hard-line Shi'ite politician who sought to ban all members of the former party from public office—almost regardless of their level of commitment and

⁵⁴ Reidar Visser, "No Second Veto: The Election Law is Approved by Tariq al-Hashemi and the Iraqi Presidency" *Historiae.org* (6 Dec 2009)

⁵⁵ Anthony Shadid, "Iraqi Commission Bars nearly 500 Candidates from Parliamentary Vote" *The New York Times* (15 Jan 2010)

⁵⁶ Anthony Shadid, "Iraqi Commission Bars nearly 500 Candidates from Parliamentary Vote" *The New York Times* (15 Jan 2010)

involvement with Saddam Hussein.⁵⁷ The Accountability and Justice Commission continues to serve the same purpose as its successor, banning former Ba'athist candidates regardless of circumstance.

The situation has been made worse by the fact that Maliki's government did not challenge the decision, and tried to exploit the fact that eliminating such candidates reduced the threat to Prime Minister Maliki's reelection. Unfortunately, the Accountability and Justice Commission has also attempted to exclude elected officials since the election in spite of its new tenuous legal standing. If elected Sunni candidates are banned for political gain, this will undermine the credibility of the elections and could provoke a new rise in ethnic tensions.

Political Disputes and Security Concerns

Delaying elections also extends the amount of time before Iraq has a fully functioning government and security apparatus. The officials in charge of security – particularly Prime Minister Maliki who controls the Baghdad Operational Command and Interior Minister Jawad al-Bolani who oversees the nation's police – are leading competing lists in the 2010 elections and this political rivalry has had a detrimental effect on coordination between government agencies well before the election. The lack of cooperation between Maliki and Bolani, who, according to Iraqi officials, barely spoke to each other in the months before the March 2010 elections, created a security gap that will be difficult to mend until a new government is firmly in office.⁵⁸

The election has left a legacy in other aspects of security politics. Many Iraqis blamed Maliki for failing to prevent several Baghdad attacks including large-scale attacks on government buildings in August, October and December of 2009 – each of the attacks killed and wounded hundreds of people – and the attack on hotels frequented by westerners in January, 2010 which killed over 30 civilians. In response to pressures from Parliament and other Iraqi officials, Maliki dismissed his Baghdad Security Commander, Gen. Aboud Qanbar, in December after a bombing that killed 127 people and wounded 400 others.⁵⁹ The Prime Minister also issued a televised address acknowledging that political differences were undermining security, albeit without taking much personal responsibility for the situation.⁶⁰ Maliki went on to place further blame on the United States for policies that he said led to the deterioration of security in Iraq.

Maliki's efforts did little to silence his critics, and have left the whole issue of security uncertain in the face of a serious new wave of post-election bombings and attacks. This unstable mix of security politics and violence is all too similar to the period

⁵⁷ Anthony Shadid, "How an Inflammatory Term, Baathist, Bars Candidates in Iraq" *The New York Times* (20 Jan 2010)

⁵⁸ Marc Santora and Riyadh Mohammed "In Iraq, Politics is Seen Trumping Security" *The New York Times* (10 Dec 2009)

⁵⁹ Ned Parker, "Maliki Fires Baghdad Security Commander" *The Los Angeles Times* (10 Dec 2009)

⁶⁰ Marc Santora and Riyadh Mohammed "Iraq's Other Security Threat: Politics" *The New York Times* (10 Dec 2009)

after the 2005 elections when it took five months to seat Parliament – a period of turmoil that allowed insurgents to instigate a violent civil war.⁶¹ It also may lead many Iraqi politicians to continue chastising Maliki for flaws in the security system rather than sacking effective improvements in the ISF and security. The security situation and other tensions that have grown out of Iraqi election politics will not be clear until a new government is in place and can actually show its ability to govern and improve security. This is unlikely to occur before the late summer of 2010 at the earliest, and demonstrating a truly effective capability to govern may well lag into 2011 and beyond. The end result may not be all that negative—Iraq has progressed beyond that point—but political uncertainty and unproven governance will probably interact with an ongoing budget crisis, the end of most major outside aid, and US security withdrawals that are timed far too closely to the date of the election with little foresight as to the practical problems in creating a new government that can actually govern and the limits to how quickly the ISF can improve.

The Role the US Can Play

Iraqi politics and nationalism, and the steady pace of the withdrawal of US forces and decline in US influence, limit what the US can do beyond continuing the quiet advisory and negotiating efforts already under way. Iraq is now a sovereign country, and any type of US military intervention can do as much or more harm than good. Instead the US must preserve as much influence as possible while demonstrating that it is acting in Iraq's interest in an effort to achieve fair and balanced political accommodation in ways that can benefit all sides in Iraq's internal disputes.

The United States should continue to push members of Parliament to draft an agreement on Kirkuk. US officials are already working with Maliki to further this legislation but so far it has produced limited results. If necessary the US could conduct an independent survey of Kirkuk in coordination with the UN, making sure not to step on any toes in the process and ensure that outside organizations like UNAMI do not interfere with the process of reaching a compromise. The US should at least offer to oversee any surveys or make sure that an independent organization oversees them to ensure that special interests do not interfere with data collection. Furthermore, the US can oversee negotiations on proper representation for Iraqi exiles to help lawmakers come up with an agreement on the issue.

The United States should also encourage the government to conduct fair and legitimate elections in which all viable candidates are allowed to participate. Although it cannot interfere in the electoral process, the United States should try to pressure the GOI when Iraqis protest the decisions of organizations like the IHEC's ruling to exclude 500 candidates from the 2010 elections. This kind of abuse of power should be condemned not only by the United States but at an international level to ensure that the election

⁶¹ Marc Santora and Riyadh Mohammed "Iraq's Other Security Threat: Politics" *The New York Times* (10 Dec 2009)

process does not discriminate against any one group, which could bring about a reprisal of ethnic violence.

In sum, the United States embassy and senior U.S. officials need to adopt the role of mediator when necessary, while making sure that it does not infringe on Iraq's sovereignty. There will be political conflicts and tensions where the United States should not become involved or must be extremely discrete and fully respect that Iraq must shape its own fate. The United States should, however, continue to engage Iraqi politicians on all sides of political disputes and urge them to work towards compromises that further reconciliation and do not undermine the progress that Iraqis have made up to this point.