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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. Sunni Arabs, dominant under Saddam Hussein, appear to have been further marginalized by their relative lack of participation in the vote. This report will be updated regularly. 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 decided to hand sovereignty to an appointed Iraqi government by June 30, 2004, and to hold elections and write a constitution 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, allowing three days for challenges (see below).
- The elected National Assembly is expected to be seated by March 1. Its members are to then 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

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

the presidency council) and obtain Assembly confirmation of his cabinet 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 any major community (Kurds, Sunnis, or Shiites) a veto. If the constitution is defeated, a new draft is to be written and voted on by October 15, 2006.
- 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 not approved, then the December 15, 2005 elections are to be for a new National Assembly.

The Election Process and Planning

The election capped over six months of 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,” which consist of a party, a coalition of parties, or an individual running as an independent. Seats in the National Assembly (and the provincial assemblies) are to be 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 the short time frame available. Under IECI rules, a woman candidate occupied every third position on any electoral list 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 distributing and collecting ballots abroad, as well as the expense (about \$90 million). 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.

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>].

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 information verification process did not take place; voters in these areas nonetheless were able to vote by presenting valid identification on election day. Each political entity was required to obtain 500 signatures from eligible voters and pay about \$5,000 to be registered. There were about 5,500 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) and in which insurgents have been highly 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 formal petition in November 2004 by seventeen mainly Sunni Arab Iraqi parties to obtain a six-month postponement.

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 Arab-inhabited areas.⁴ Prior to the election, many members of IECI local branches in these provinces 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 try to secure restive Sunni cities in time 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, which includes U.N. envoy to Iraq Ashraf Jahangir Qazi (a Pakistani U.N. diplomat) 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. participation in the election, U.S. officials found 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 a contingent of 691 troops. There was also concern over the vote monitoring process. Canada led a contingent of about 25 observers (“International

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

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 — most likely foreign diplomats posted to Iraq — did some vote 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 for the elections, of which \$130 million is to be offset by international donors, including about \$40 million from the European Union. In October 2004, based on a review of how best to use funds from an \$18.6 billion Iraq reconstruction appropriation (FY2004 supplemental appropriation, P.L. 108-106), the Administration 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.⁵ The funds were apportioned from \$832 million provided by the supplemental for “democracy and governance” for FY2004. No U.S. funds were spend for the “out of country voting” program run by IOM.

Election Competition⁶

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. Those 111 entities contained over 7,000 candidates. Another 9,000 candidates, also organized into slates, competed in the provincial and Kurdish elections.

The most prominent multi-party slate was unveiled in December 2004, brokered by Grand Ayatollah Ali al-Sistani and his top aides, including former nuclear scientist Hussein Shahrastani. Sistani himself, who is Iraq’s supreme Shiite leader, was not a candidate. The 228-candidate “United Iraqi Alliance” (UIA) 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 on this slate. In the tenth position was secular Shiite Ahmad Chalabi, a former U.S. ally. He heads the secular Iraqi National Congress (INC) but he has aligned the 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

⁵ Remaining funds from the \$832 million total have been used to support local and provincial governing institutions around Iraq; operations of the Iraqi interim government; local governance, including the Community Action Program (CAP); media initiatives; some judicial training; and empowerment of women.

⁶ A detailed discussion of many of these competing groups is contained in CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*. Some of the information in the section comes from CRS conversations with experts and U.S. officials.

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 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 and Results

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. 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.

Results appeared to match predictions. Total turnout was about 58% (about 8.5 million votes). Shiite turnout was about 70%, and the UIA slate won about 48% of the vote, giving it 140 seats⁷ in the Assembly. Kurdish turnout was about 90%, giving the Kurdish Alliance list 26% of the total vote and 75 seats. Allawi’s list garnered about 14% (40 seats). Sunni turnout was extremely low, leaving Sunni Arabs nearly excluded from the new Assembly. In all of Anbar Province, which includes Ramadi and Fallujah and is almost exclusively Sunni, turnout was only about 2%. President Yawar’s slate was the only Sunni-dominated slate to win seats; it garnered 1.8% of the vote, enough for 5 seats.

Other groupings winning Assembly seats were: the Iraqi Turkmen Front (3 seats); the pro-Sadr “National Independent and Elites Cadre” (3 seats); the Communist party (2

⁷ Seat totals do not necessarily match vote percentages because seats are allocated after subtracting the votes for entities that did not meet the threshold (31,000) to receive a seat.

seats); the Kurdistan Islamic Group (moderate Islamist Kurds, 2 seats); Islamic Action Organization (independent Shiite Islamist, 2 seats); the secular National Democratic Alliance (1 seat); the Rafidain National List (Assyrian Christian, 1 seat); and the Liberation and Reconciliation Gathering (secular Arab, 1 seat).

UIA leaders have said they want one of their candidates to become prime minister; that post will have executive power in this transition government. UIA names widely mentioned are Finance Minister Adel Abd al-Mahdi (SCIRI, and the reputed front runner for the position), Da'wa leader Jafari, Sistani aide Shahrastani, and Chalabi, who is said to be pushing for the post. However, some believe Allawi could still keep his position depending on how a ruling coalition is shaped. The Kurds, based on their strong showing, are pushing for PUK leader Jalal Talabani to become president.

In provincial elections, the Kurds won about 60% of the seats in Tamim province, which includes the disputed city of Kirkuk. This could strengthen Kurdish attempts to gain control of that oil-rich city, and provoke 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.

Conclusions

The elections provided a major test for U.S. policy. Some feared that the electoral process would be marred by violence and prompt a major U.S. review of Iraq policy. Had that happened, some of the options could have included a U.S. withdrawal, or adding U.S. troops in an all-out effort to defeat the insurgents. The Administration reportedly hopes that the apparent success of the elections will produce a turning point, reducing support for the insurgency and paving the way for accelerated economic reconstruction. These developments, should they occur, could create conditions for reduced U.S. force levels.

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 leaders have said they will be inclusive, and intend to draft Sunni Arabs to major cabinet posts and the committee that will draft the permanent constitution. UIA leaders have also said they will not try to establish a state run by clerics and Islamic law. The two major Sunni organizations that have at least some connection to the insurgents — the Iraqi Muslim Clerics Association and Iraqi Islamic Party — have expressed interest in such participation, particularly the constitutional drafting process. However, they have set strict conditions, including a time-table for a U.S. withdrawal. A question that arises is whether a post-election political process that includes Sunnis could win the support and confidence of the insurgents and persuade them to end armed struggle. Some observers fear that Sunnis are even more embittered by the election and might increase support for the insurgency.