

Iraqi Elections (I): The Imperatives of Elections on Schedule

By: Dr. Nimrod Raphaeli*

Introduction

An election is an exercise in choice – in weighing the merits of competing political forces and alternative programs. The Iraqi people have been denied the right to choose for a half century. In fact, the last time "elections" were held in Iraq in 2002 Saddam Hussein received a more-than-perfect score: not only one hundred percent of the electorate, but also the former Algerian president and guest voter Ahmad bin Bella voted for Saddam's "reelection."

The proposed elections in Iraq, scheduled for January 30, 2005, are intended to put an end to Saddam's political farce and give the Iraqi people a free and transparent opportunity to select their leaders. The last time a constitutional council was elected by Iraqis was under the monarchy in 1924. Three political parties participated in that election. By contrast, 226 parties and groups have been cleared by the High Commission for Elections to participate in the election of a 275-member interim National Assembly in 2005. [\[1\]](#) The National Assembly will select a new government and draft a new constitution, and then will be dissolved in favor of a new parliament which will be elected following the promulgation of the new constitution.

The Legal Aspects of the Elections

The Iraqi elections are governed by Law No. 92 issued by the Coalition Provisional Authority (CPA) on May 31, 2004 which set December 31, 2004 but no later than January 30, 2005 as the deadline for holding the national elections. The elections law includes a number of significant provisions:

- Iraq will be considered as a single election zone.
- The method of elections is that of proportional representation (the number of seats by any competing political party or group will be proportional to the total number of votes it has received countrywide).
- No list shall have fewer than 12 candidates or more than 245 candidates.
- Twenty-five percent of the seats shall go to women.

Writing in the Iraqi daily *al-Mada*, Professor D. Haydar Adham al-Ta'i highlights some of the advantages and disadvantages of proportional representation. Among the advantages are (a) that Iraqis in exile can vote in their place of exile without having to be present in a particular voting district; and (b) that small parties and minorities are able to compete against large parties. The greatest disadvantage is that the splintering of votes among so many competing lists could lead to political instability. [\[2\]](#)

The opponents of proportional representation argue that the system could deny a major city like Mosul fair representation should security or other issues prevent a large number of its citizens from voting. The opponents would like to see the seats in the national assembly allocated to major voting districts according to the size of the population as measured by the food ration coupons. Otherwise, heavy voting in the

"secure" provinces will tip the scale against the "volatile" provinces, such as those in the Sunni triangle, where voting is likely to be limited. [\[3\]](#) However, one commentator has suggested that voters in the Sunni triangle should not be rewarded for failing to vote. He has added pointedly that the Sunnis have failed to adjust to the post-Saddam realities, that they have been defeated badly in Fallujah and that, therefore, they have lost their power "to pressure and blackmail." [\[4\]](#)

Opponents of the Elections on Schedule

Many of those who oppose the proportional representation system are also opposed to holding the elections on schedule. It is understandable that those who were marginalized under Saddam (Shi'a and Kurds) are the most enthusiastic about holding the elections on time, while those who stand to lose the disproportionate status they enjoyed in the Saddam era (Sunnis) are loudest in calling for postponement. None of the opponents of holding the election on time is more threatening than the Islamist group known as Jaysh Ansar al-Sunna (the Army of the Supporters of Sunna). Their opposition to the elections is deeply rooted in an Islamist interpretation of the Koran. In a circular on their internet site, the Ansar al-Sunna argue that any government in a Muslim country that does not govern in accordance with the Shari'a (Islamic Law) is an infidel. It calls on believers to stay away from the polling stations and warns that the *mujahideen* will strike the polling stations by force. [\[5\]](#) Lakhdhar al-Ibrahimi, the UN official who brokered the transition from the CPA into the transitional government added his "private" voice for postponing the elections because they cannot be held "under the present circumstance." [\[6\]](#) However, al-Ibrahimi, a Sunni Muslim, has been accused by the Iraqi Shi'a of bias. The recent marriage of al-Ibrahimi's daughter to the brother of King Abdullah, who trumpeted the warning in Washington recently about an alleged Iranian Crescent that would include Iran, Iraq, Lebanon and Syria, may have increased questions about his neutrality.

Confusing Signals from Iraqi Officials

Different, and often contradictory, signals from senior Iraqi officials about the timing of the elections may have lent support to those seeking postponement. During his visit with President Bush the Iraqi acting President Ghazi al-Yawer declared that the elections will be held on time. The interim Prime Minister Ayad Allawi indicated his commitment to holding the elections on time, but added the caveat that if the Iraqi people have a different opinion "they should put pressure on the government" to postpone the elections. [\[7\]](#) A couple of weeks earlier, Allawi's party, the National Accord [al-Wifaq al-Watani], joined a group of eighteen other political parties which advocated the postponement of the elections for six months. [\[8\]](#)

At the same time, Minister of Justice Malik Dohan al-Hassan called for the postponement until the prevailing conditions have improved, and warned that holding the elections on schedule could trigger civil war. [\[9\]](#) The blunt-speaking Minister of Defense Hazim al-Sha'lan told the London daily *al-Sharq al-Awsat* that he had no plan to provide the necessary security either for the candidates or the voters because the Iraqis "do not know who is the candidate and who the voter." At the same time, the Minister for National Security Qassim Daoud declared that no one has the authority to postpone the elections. [\[10\]](#) And this perhaps represents the ultimate truth because Security Council Resolution No. 1546 (2004), which established the interim government, has established the election date. A change, therefore, would require a new resolution by the Security Council, which is not likely to be approved given the U.S. commitment to the date of January 30. [\[11\]](#)

Allawi introduced a new proposal: elections could be held over a period of 15 to 20 days to insure the security of the polling stations and protect the people queuing to vote from terrorist attacks. This particular proposal found a positive echo among Iraqi political parties and by the High Commission for Elections. In addition to the security dimension, an extended polling period would draw a larger number of voters and could give the results greater legitimacy. [\[12\]](#) The Ministry of Interior, which will play a

leading role in the preparation of the voter registration and the administration of the voting process, has supported the idea of an extended polling period. [\[13\]](#)

This state of confusion and uncertainty may truly reflect the volatile security situation, but it may also reflect the jockeying of the various politicians for votes in a country where the vast majority of voters have never cast a vote in a free election. Additionally, there is indeed a significant risk that tribal chiefs and mosques' Imams will lead their followers *en masse* to vote in a predictable manner.

The Role of Ayatollah al-Sistani

Grand Ayatollah Ali al-Sistani, the most senior and influential Shi'ite cleric in Iraq, has been adamant throughout the process of political transition from the Coalition Provisional Authority to the Interim Government that free elections throughout the country are the only way to restore legitimacy to the Iraqi government and end the occupation.

The introduction of proportional representation as an electoral method in Iraq has provided Ayatollah al-Sistani opportunity to forge a national list of candidates that is broad-based but not completely sectarian. With the help of a committee of six distinguished individuals, including its chairman, Dr. Hussein al-Shahrestani, a nuclear scientist who was imprisoned by Saddam for refusing to lend his services for Saddam's arm programs, a list called "the United Iraqi Alliance" was submitted to the High Commission for Elections. Over a period of two months the commission, consulting regularly with al-Sistani, has put together a national list of 228 candidates that includes the major Shi'ite political parties like the Supreme Council of Islamic Revolution in Iraq (SCIRI), al-Da'wa Party, as well as representatives from the Kurdish, Sunni, Turkmen, and Christian groups. Included in the list is a movement calling itself the Shi'ite Political Council, which comprises thirty-eight groups and parties put together by Dr. Ahmad Chalabi, the leader of the Iraqi National Congress. The list also includes elements of the Shammar Tribe, the largest in northern Iraq and the tribe of interim President al-Yawer, although he himself has put together a different list. [\[14\]](#) Al-Shahrestani has declared more than once that the list is not Shi'ite but national. [\[15\]](#)

Unlike the Iranian Shi'a clerics, al-Sistani has been sensitive to the ethnic, religious, and cultural structure of the Iraqi society. He has said nothing or taken any action to suggest that he is trying to lead Iraq toward an Iranian-style autocracy. On the contrary, he has been quoted as saying that he would have no objections if a Christian were to be elected president of Iraq if he met the appropriate qualifications. [\[16\]](#)

Al-Sistani's list does not include Muqtada al-Sadr or any of his followers. It was said initially that al-Sadr supported the unified list and that his followers were excluded only because they had failed to register as a political party. [\[17\]](#) However, on December 10, the day after the list was submitted, al-Sadr denounced the elections in his Friday sermon as contributing to ethnic division. Further, he was rumored to be supporting "an independent" list. [\[18\]](#) Given al-Sadr's volatile character, nothing he should say or do, before or after the elections, would be surprising.

The Religious Appeal

The Shi'a Hawza in Najaf has been mobilizing itself to bring voters to the polling stations. The second most significant Shi'a figure, Grand Ayatollah Muhammad al-Ya'qoubi, issued a *fatwa* (religious edict) which equates voting to two of the most significant tenets of Islam – prayer and fasting. While the two tenets are individual obligations, voting, Al-Ya'qoubi stressed, has to do with "the destiny of the nation." He called on all Iraqis, inside and outside Iraq, to take part in the elections and to ensure the election's integrity. [\[19\]](#) Al-Sistani added that abstaining from voting "is treason against the nation." [\[20\]](#) A third cleric, Ayatollah al-Sayyid Hadi al-Madrasi, President of the Iraqi Clerics Association, an umbrella for various Shi'a clerics and scholars, has also warned that postponing the elections will be tantamount to

surrendering the interest of the majority (meaning the Shi'a) to those of the minority. He warned that the patience of the majority is not unlimited. [\[21\]](#)

There are also big placards on the streets of Baghdad encouraging citizens to vote. One of them quotes al-Sistani: "Your vote is worth gold and even more." [\[22\]](#) Al-Sistani has announced that he will be the first Iraqi to cast his vote on January 30 to encourage other Iraqis to do likewise. [\[23\]](#)

The Role of the Sunnis

Those who favor the postponement of the elections have argued that without Sunni participation the elections will lose at least some of its legitimacy. While it is true that some Sunni clerics have called for the boycott of the elections, the Sunni community is not a monolithic group and it is by no means certain that Sunnis will not vote. Indeed, there are indications to the contrary. First, the interim president Ghazi al-Yawer is Sunni. He is putting together a list of supporters, including members of his tribe the Shammar, to take part in the elections. There is the group around the old Sunni politician 'Adnan al-Pachachi who, after threatening to boycott the elections, have decided to take part in them. Likewise, the Iraqi Islamic Party announced it will participate in the elections. Also, there is the candidate list submitted by Sherif Ali bin Hussein, the claimant to the Iraqi throne, who is Sunni. In an interview, Sherif Ali stressed the importance of participating in the elections to prevent "certain sides from monopolizing the political scene." [\[24\]](#) In addition, there are Sunni candidates included in the list sponsored by Ayatollah al-Sistani. Thus, while the Sunnis may end up being under-represented in the new National Assembly, it is by no means certain that they will not have a strong presence. Still, the Sunnis must resign themselves to the new reality that they will no longer be the sole rulers of Iraq.

A last minute development in their position may indicate some softening in the Sunni's attitude toward the holding of the election. While the Association of Muslim Clerics, which is the primary Sunni cleric organization in Iraq, continues to oppose the timing of the election, its spokesman, Dr. Mohammad Bashar al-Faidhi, told the *Saudi Press Agency* that his movement was prepared to negotiate with the Iraqi government, "and even with the Americans," to reach a final agreement that would resolve the current crisis in Iraq. [\[25\]](#)

The Other Competing Lists of Candidates

Apart from al-Sistani-supported list, the two major Kurdish parties, Jalal Talabani's Patriotic Union of Kurdistan (KUP) and Mas'oud Barazani's Kurdistan Democratic Party (KDP), have also joined forces by submitting a joint list. Under the agreement between the two Kurdish parties, Talabani will seek a national post while Barazani will head the Kurdish region in the north. They will also run a joint list for the Kurdish parliament. [\[26\]](#) A proportional representation system would work in their favor because of the presence of strong Kurdish groups in Baghdad and the Sunni triangle as well as in Europe and the United States. Jalal Talabani has declared that after the elections the Kurds will insist on receiving one of the two key political positions of Iraq, namely that of prime minister or president. [\[27\]](#) By developing a joint list, the Kurds will avoid campaigning against each other and will be able to focus instead on issues of paramount importance for them, namely federalism, the future of Kirkuk, and the drafting of the new constitution after the elections. [\[28\]](#)

Iraq's interim president has formed a list labeled "The Iraqis" – a secular list that includes among its most important members the Minister of Defense Hazim al-Sha'lan. [\[29\]](#) Al-Yawer's own tribe, the Shammar, is divided between the supporters of al-Yawer and those supporting his uncle, who joined al-Sistani's list. [\[30\]](#) This split is another good indication that the ethnic division in Iraq is not as sharply pronounced as some opponents of the elections would like to suggest.

Significantly, for the first time in Iraq's history, the Communist Party will compete openly in the national elections; equally significant, a considerable number of the party's membership is Shi'ite. The Secretary of

the Party, Hamid Majid Mousa, told the daily *al-Mada* that his party has submitted a list of 257 candidates, representing all religions and ethnic groups. Among those candidates is Mufid al-Jaza'iri, the interim Minister of Culture. [\[31\]](#)

Extension of the Submission Deadline

By the December 10 deadline, 55 lists with 1337 candidates had been officially submitted. [\[32\]](#) This represents an average of about five candidates for every seat, an average that is likely to double by the time the process has been completed. Given the large number of parties and groups, most recently estimated at 233, attempting to meet the December 10 deadline, the High Commission for Elections has agreed to extend the deadline for submitting the lists of candidates by an additional five days. The extension was also meant to give the candidates from the Sunni triangle one last change to come forward with their lists of candidates. [\[33\]](#)

Concerns about the Elections

Barring any enormous and unforeseen events, the elections will be held on schedule. Apart from the fear of being subjected to violence, many Iraqis might be kept from the polls by what they perceive as more pressing problems than voting. Iraqi dailies have written article in recent days about the preoccupation of the citizens with shortages in food supplies, electric power and, most seriously, the shortage of gasoline for their cars. It is not uncommon for people to stand in line for as long as 24 hours to buy 10 liters of gasoline (less than 3 gallons). Black markets are rampant, as is the dissatisfaction with the government of a country sitting on one of the largest oil reserves in the world. [\[34\]](#)

On the other hand, the participation of millions of Iraqis living overseas could be quite significant in terms of the anticipated results. First, they will be able to vote without the security constraint that could affect voters' behavior in some parts of Iraq; and second, many of these Iraqis have lived in Western countries and may appreciate the fundamental values of democracy. Because of this exposure, Iraqis in exile may opt to avoid parties or groups that advocate Islamist or other form of extremist political formula.

**Dr. Nimrod Raphaeli is Senior Analyst of MEMRI 's Middle East Economic Studies Program.*

[\[1\]](#) *Baghdad* (Iraq), December 15, 2004.

[\[2\]](#) *Al-Mada* (Baghdad), December 4, 2004.

[\[3\]](#) *Al-Ittijah Al-Akhar* (Baghdad), December 1, 2004.

[\[4\]](#) Saleh Bashir, "The Sunni Dubiousness in Iraq on the Eve of Elections," *Al-Hayat* (London), December 5, 2004.

[\[5\]](#) <http://armyofansar.8k.com/entekabat.htm>, November 18, 2004.

[\[6\]](#) *Baghdad* (Iraq), December 8, 2004.

[\[7\]](#) *Baghdad* (Iraq), December 4, 2004. This daily is issued by the National Accord Party, which is Allawi's party.

[\[8\]](#) *Al-Zaman* (Iraq), November 26, 2004.

[\[9\]](#) *Al-Sabah* (Baghdad), December 5, 2005.

[\[10\]](#) *Al-Sabah* (Baghdad), December 6, 2004.

- [11] [Al-Mada](#) (Baghdad), December 11, 2004.
- [12] [Al-Sharq Al-Awsat](#) (London), December 9, 2004; [Al-Zaman](#) (Baghdad)), December 8, 2004.
- [13] [Al-Zaman](#) (Baghdad), December 8, 2004.
- [14] [Al-Zaman](#) (Iraq), December 10, 2004.
- [15] [Al-Hayat](#) (London), December 3, 2004.
- [16] [Al-Sharq Al-Awsat](#) (London), November 17, 2004.
- [17] [Al-Sharq Al-Awsat](#) (London), December 10, 2004.
- [18] [Al-Mada](#) (Iraq), December 11, 2004.
- [19] [Al-Mu'tamar](#) (Baghdad), November 25, 2004.
- [20] [Al-Shira'](#) (Baghdad), November 23, 2004.
- [21] [Al-Ahali Weekly](#) (Baghdad), December 2, 2004.
- [22] [Al-Jazeera TV](#) (Qatar), December 10, 2004.
- [23] [Al-Shahid Weekly](#) (Iraq), November 17, 2004.
- [24] [Al-Sharq Al-Awsat](#) (London), December 4, 2004.
- [25] [Al-Sharq Al-Awsat](#) (London), December 10, 2004.
- [26] [Al-Sabah](#) (Baghdad) December 5, 2004.
- [27] [Al-Zaman](#) (Iraq), October 12, 2004.
- [28] [Al-Hayat](#) (London), November 30, 2004.
- [29] [Al-Mada](#) (Baghdad), November 23, 2004.
- [30] [Al-Zaman](#) (Iraq), December 6, 2004.
- [31] [Al-Mada](#) (Baghdad), December 11, 2004.
- [32] [Al-Zaman](#) (Iraq), December 10, 2004.
- [33] [Al-Sharq Al-Awsat](#) (London), December 10, 2004, and [Al-Jazeera TV](#) (Qatar), December 12, 2004.
- [34] [Al-Mu'tamar](#) (Baghdad), December 5, 2004.

THE MIDDLE EAST MEDIA RESEARCH INSTITUTE (MEMRI)

Linienstr. 139, 10115 Berlin

Tel.: +49-30-97893872/-3968, Fax: +49 (030) 97893975

eMail: memri@memri.de, URL: www.memri.de

© Copyright 2002 by *The Middle East Media Research Institute (MEMRI)* - memri.de. Alle Rechte vorbehalten.
Weiternutzung der Inhalte nur bei vollständiger Nennung der korrekten Quelle.