

# CRS Report for Congress

Received through the CRS Web

## Iraq: Elections and New Government

Kenneth Katzman  
Specialist in Middle Eastern Affairs  
Foreign Affairs, Defense, and Trade Division

### Summary

Elections for a transitional National Assembly, provincial councils, and a Kurdish regional assembly were held on January 30, 2005. High voter turnout in Shiite and Kurdish areas led to first- and second-place finishes for slates of these two communities, and they are leading the effort to establish a new government. 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. Prominent Iraqis prevailed on the Bush Administration to accelerate the process, and sovereignty was given to an appointed Iraqi government on June 28, 2004. A new government and a permanent constitution were to be voted on thereafter. The elections were provided for in a Transitional Administrative Law (TAL), signed on March 8, 2004. Its transition road-map is as follows:<sup>1</sup>

- 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 are in table below.
- The TAL specified no deadline for the elected National Assembly to select an executive. The Assembly is to select a "presidency council" (a president and two deputy presidents) by a two-thirds Assembly vote. The presidency council is, within two weeks, to choose a prime minister by consensus, and the Prime Minister then has one month to obtain Assembly confirmation of his cabinet choices. The Prime Minister and his cabinet are subject to confirmation by a majority Assembly vote. Cabinet ministers may be persons not in the Assembly.

---

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

- The National Assembly is to draft (by August 15, 2005) a constitution to be put to a national vote (by October 15, 2005). Two-thirds of the voters in any three Iraqi provinces may veto the constitution, essentially giving Kurds, Sunnis, and Shiites a veto. If the permanent constitution is approved, elections for a permanent government are to occur by December 15, 2005, and it would take office by December 31, 2005. If the constitution is defeated, the December 15 elections would be for a new transitional National Assembly and a new draft is to be voted on by October 15, 2006. A six-month delay in a constitutional vote is provided for, which would postpone the transition process by that amount of time.

## The Election Process and Planning

In June 2004, the United Nations formed an 8-member central Independent Electoral Commission of Iraq (IECI), nominated by notables from around Iraq, to run the election process. CPA Orders 92, 96, and 97, issued just before the June 28, 2004 sovereignty handover, provided for voting by proportional representation (closed list). Under that system, voters chose among competing “political entities”: a party, a coalition of parties, or individuals running as independents. Seats in the Assembly (and the provincial assemblies) were allocated in proportion to a slate’s showing. 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.<sup>2</sup> Others said this system was the easiest to administer. Under IECI rules, a woman candidate occupied every third position on electoral lists in order to meet the TAL’s goal for at least 25% female membership in the new Assembly.

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

Inside Iraq, certification 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,” but they verified or corrected personal information on file at 550 food ration distribution points around Iraq. In the most restive areas, this verification process did not take place, but voters were able to vote by presenting valid identification on election day. Each political entity was required to obtain 500 signatures from eligible voters and pay about \$5,000. About 5,200 polling centers were established; each center housed several

---

<sup>2</sup> Diamond, Larry. “Not Perfect, But ‘Reasonably Credible.’” *Wall Street Journal* op.ed. Oct. 25, 2004.

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

polling stations. About 6,000 Iraqis staffed the branches of the IECI around Iraq, and 200,000 Iraqis staffed the polls on election day.

## Security, Logistics, and Funding

Election security was an issue under nearly constant review in the months before the election. Of particular concern were four provinces (Anbar, Nineveh, Salahuddin, and Baghdad) in which Sunni insurgents have been most active. In December 2004, President Bush stated that postponement would represent victory for the insurgents and that elections should proceed as scheduled. The U.S. insistence on the schedule came despite a postponement petition in November 2004 by seventeen mainly Sunni Arab parties.

Due to insurgent activity or Sunni Arab (20% of the overall population) perceptions of inevitable election defeat, campaigning and indications of voter interest were low in the restive Sunni areas.<sup>4</sup> Prior to the election, insurgents repeatedly targeted polling stations and, in leaflets and graffiti, threatened to kill anyone who voted. In an effort to secure restive cities for the vote, U.S. forces conducted numerous counter-insurgency operations in the four months prior to the vote, including a November 2004 operation to end insurgent control of Fallujah. U.S. force levels in Iraq rose to 150,000 from the prior level of about 138,000. Braced for the threatened violence, polling centers were guarded on election day by the 130,000 members of Iraq's security forces, with U.S. forces close by for back-up. Two days prior to election day, all vehicle traffic was banned, and Iraq's borders were closed. Polling locations were announced two days prior to election day.

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

**Funding.** The Bush Administration assisted Iraq in the elections process, as well as other election-related functions. The Iraqi government budgeted about \$250 million for the elections inside Iraq, of which \$130 million was to be offset by international donors, including about \$40 million from the European Union. Out of funds appropriated in the \$18.6 billion for Iraq reconstruction provided by an FY2004 supplemental appropriation (P.L. 108-106), the United States provided: \$40 million to improve the capacity of the IECI; \$42.5 million for elections monitoring by Iraqis; and \$40 million for political party development, through the International Republican Institute and

---

<sup>4</sup> Vick, Karl. "Sunni Party Pulls Out of Iraq Vote as Doubts Grow." *Washington Post*, Dec. 28, 2004.

National Democratic Institute. The funds were apportioned from \$832 million provided by the supplemental for “democracy and governance” for FY2004. The out-of-country voting cost an additional \$92 million, of which \$11 million was for the U.S. component. No U.S. funds were spend for the out-of-country voting.

## **Election Competition and Results<sup>5</sup>**

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

The most prominent slate was the “United Iraqi Alliance” (UIA), brokered by Grand Ayatollah Ali al-Sistani and his top aides, such as former nuclear scientist Hussein Shahrastani. Sistani, Iraq’s foremost Shiite leader, was not a candidate. The 228-candidate UIA slate consisted of 22 parties, but 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 this slate was SCIRI leader Abd al-Aziz al-Hakim, who was in exile in Iran during 1980-2003. Da’wa leader Ibrahim Jafari was number seven. In the tenth position was secular Shiite Ahmad Chalabi, a former U.S. ally who has aligned himself with the Shiite Islamists. There were 14 supporters of radical Shiite cleric Moqtada al-Sadr on the slate, even though Sadr’s top aides, apparently with his backing, publicly denounced the election as an illegitimate product of U.S. occupation. In an effort to be inclusive, the UIA slate included some non-Islamist Shiites, Sunni tribalists (about 30 Sunnis total on this slate), and Turkoman and Yazidi ethnic and religious minority candidates. Pro-Sadr Shiites also competed separately as the “National Independent Elites and Cadres” list and competed in provincial elections.

Other large slates consisted of 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”). Interim 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 Hamid al-Musa, filed a 257-candidate slate called the “People’s Union.”

Some Sunni Arab parties competed, but others did not. An 80-candidate slate was offered by interim 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 Muhsin Abd al-Hamid, filed a 275-

---

<sup>5</sup> 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.

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 that boycotted the National Assembly contest nonetheless participated in the provincial assembly elections.

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

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

## **Post-Election Government**

The election results triggered factional bargaining over positions in the new government and the future of Iraq. The UIA insisted that one of its leaders become prime minister; that post has executive power in the new government. The bloc settled on Da'wa leader Ibrahim Jafari as its choice. The Kurds, based on their strong results, insisted that PUK leader Jalal Talabani become president. However, even more important to the Kurds were guarantees that they would have substantial autonomy, control over resources, and the incorporation of Kirkuk, which has a large Kurdish population, into the Kurdish-administered areas in northern Iraq. These demands formed the basis of two months of hard bargaining between the two blocs — and between them and various Sunni groups and Allawi's bloc. Press reports suggest that the major blocs agreed to defer some of these key issues, although it appears that the Kurds are assured of gaining eventual control of Kirkuk. The blocs reportedly agreed that oil revenues would be distributed "evenly," but that "special attention" would be given to those groups, such as Kurds and Shiite Arabs, that received a disproportionately small share of government largesse during the regime of Saddam Hussein. The blocs also apparently agreed that their militia forces would largely be allowed to continue to operate under party rather than national control. In part to satisfy the mostly secular Kurds, Jafari and other UIA leaders have said they will not try to establish a state run by clerics and Islamic law. The groups began establishing the new government on April 3. The positions filled thus far are:

- Assembly speaker Hajim al-Hassani (a Sunni Arab who ran on Ghazi Yawar's list) and two deputies — Arif Tayfour, a Kurd and Sistani aide Shahrastani. Both were voted in on April 3.

- The presidency council was voted on April 6. Talabani was selected president, and the two deputies selected were SCIRI's Adel Abd al-Mahdi and Ghazi al-Yawar. They were sworn in on April 7.
- After its swearing in, the presidency council nominated Ibrahim al-Jafari as Prime Minister; Allawi's interim government resigned. He is expected to receive the majority vote needed when the Assembly next meets, and he has said he will name a cabinet within about one week. Press reports say there are still differences over some major cabinet seats, particularly over who will become oil minister. Press reports say that a Sunni Arab will be named defense minister, a Kurd will be foreign minister, and Shiites will be named interior minister and finance minister.

A key issue is the disposition of the Sunni Arabs, who hold only about 14 seats in the new Assembly. Most U.S. officials appear to believe that the insurgency will wither if Sunni Arabs who have backed or had ties to the insurgency enter the new power structure. The most important of these is the Iraqi Muslim Clerics Association (MCA). Some MCA members have questioned whether the Sunni boycott of the election was wise and have expressed interest in the constitutional drafting process. However, no MCA member has expressed a willingness to take a cabinet position, if offered.

### National Assembly Election Results

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