

CRS Report for Congress

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Iraq: Elections and New Government

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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 turnout in Shiite and Kurdish areas led to first- and second-place finishes for slates of these two communities, and they determined the composition of a new government inaugurated in May. 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: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 are in table below.
- The TAL specified no deadline for the elected National Assembly to select an executive (a "presidency council" of a president and two deputy presidents) by a two-thirds Assembly vote. The presidency council had two weeks to choose a prime minister by consensus, and the Prime Minister had 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.

¹ 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. By August 1, 2005, the Assembly could, if needed, request six additional months to draft the constitution; such a delay 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). Voters chose among “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. Under IECI rules, a female 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. A total of 111 entities were on the National Assembly ballot: 9 were multi-party coalitions, 75 were single parties, and 27 were individual persons. The 111 entities contained over 7,000 candidates. Another 9,000 candidates, also organized into party slates, competed in the provincial and Kurdish elections.

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.² 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

² 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, but in December 2004, President Bush stated that postponement would represent victory for the insurgents and that elections should proceed as scheduled. That U.S. insistence came despite a postponement petition in November 2004 by seventeen mainly Sunni Arab parties. Prior to the election, insurgents repeatedly targeted polling stations and 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. 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, Iraq's borders were closed, and polling locations were confirmed.

Security concerns also affected the ability of the United Nations to assist Iraq's election. The 100-person U.N. contingent in Iraq included only 19 election specialists, with another 12 U.N. election specialists based in Jordan. In an effort to bolster U.N. assistance, 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. Vote monitoring was limited; 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 mostly involved assessing reports by about 50,000 Iraqis who directly monitored the voting. (One of the international observers was in Iraq). Another 129 foreign observers, mainly foreign diplomats posted to Iraq, did monitoring from Baghdad's "Green Zone."

Funding. 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 \$18.6 billion in U.S. funds for Iraq reconstruction contained in an FY2004 supplemental appropriations (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 National Democratic Institute. The funds were apportioned from \$832 million for "democracy and governance." 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 Results³

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. The most prominent slate was the "United Iraqi Alliance"

³ For a detailed discussion of many of these groups, see CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*.

(UIA), brokered by Grand Ayatollah Ali al-Sistani and his top aides. 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 politically close to Tehran. The first candidate on this slate was SCIRI leader Abd al-Aziz al-Hakim; 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 Shiite Islamists. There were at least 14 supporters of radical Shiite cleric Moqtada al-Sadr on the slate, even though Sadr's top aides, apparently with his backing, denounced the election as a product of U.S. occupation. In an effort to be inclusive, the UIA slate included some non-Islamist Shiites, Sunnis (about 30 Sunnis total on this slate), and Turkoman and Yazidi minority candidates. Pro-Sadr Shiites also competed separately on a "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."

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 (Anbar, Nineveh, Salahuddin, and Diyala provinces, plus Sunni neighborhoods of Baghdad). 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 Sunni Islamist group, the Iraqi Islamic Party of 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 that boycotted the National Assembly contest nonetheless participated in the provincial assembly elections.

The vote was conducted relatively smoothly. Insurgents conducted about 300 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...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. Sunnis hold only 17 seats (about 6% of the total seats), leaving them underrepresented, and Kurds and Shiites are overrepresented. There are about 90 women. 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

provoked an Arab and Turkmen boycott of that council, according to press reports. 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 (Ibrahim al-Jafari) become prime minister; that post has executive power. The Kurds insisted that PUK leader Jalal Talabani become president and that they 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. Press reports suggest that the UIA and Kurdish blocs agreed to defer some of the key Kurd-related issues, although it appears that the Kurds were assured of gaining eventual control of Kirkuk and of equitable distribution of oil revenues, although not necessarily Kurdish control of oil revenues earned from fields in Kurdish-inhabited territory. The UIA and Kurds also apparently agreed that their militia forces would be largely allowed to operate under party rather than national control. No agreement was reached to incorporate Allawi's bloc into the new government, and Sunni negotiators were largely left unsatisfied as well.

The groups began establishing the new government on April 3 with the naming of a National Assembly speaker (Hajim al-Hassani, a Sunni who ran on Ghazi Yawar's list) and two deputies: Arif Tayfour, a Kurd, and Hussein Shahrastani, an aide to Ayatollah Sistani. The presidency council was approved on April 6; as expected, Talabani was selected president. His two deputies are SCIRI's Adel Abd al-Mahdi and Ghazi al-Yawar. The three were sworn in on April 7, and they named Ibrahim al-Jafari as Prime Minister. The Assembly confirmed him on April 8. Subsequently:

- On April 28, with the one-month deadline for naming a cabinet approaching, Jafari received Assembly approval (180 votes out of 185 members present) for a cabinet consisting of 32 ministerial posts and 4 deputy prime ministerial posts. However, five cabinet positions and two deputy prime ministerships were filled with temporary officials or left vacant, pending an agreement to appoint additional Sunnis. Chalabi and KDP activist Rosch Shaways were named as deputy prime ministers. Six ministers are women.
- On May 7, Jafari continued filling out the cabinet by appointing the five remaining permanent ministers (3 Sunnis and two Shiites), and one deputy prime minister, a Sunni (Abid al-Jabburi). However, the Minister of Human Rights nominee, Hashim al-Shibli, refused to take up his post on the grounds that he was appointed only because he is a Sunni. This also left one deputy prime minister slot unfilled, one slated for a Turkoman woman. When all slots are filled, there will be 17 Shiite ministers, 8 Kurds, 6 Sunnis, and one Christian (a Christian woman is Minister of Science and Technology), in addition to the four deputy prime ministers. No members of former Prime Minister Allawi's faction were appointed.

- SCIRI activists were posted to two major ministries: Bayan Jabr is Interior Minister and Ali Allawi is Finance Minister. The faction had wanted one of its members to be Oil Minister, but that slot went (May 7) to independent Shiite Islamist, Ibrahim Bahr al-Ulum. Three Shiite ministers are reportedly supporters of Moqtada al-Sadr.
- The May 7 appointments included that of a Sunni Defense Minister, Sadoun al-Dulaymi, a former official in Saddam Hussein's security service, who broke with the regime in 1984 and lived in exile in Saudi Arabia. He is the most important Sunni official in the new government, although some believe he will be constrained by the likely appointment of a Shiite Islamist as deputy of that ministry. The other Sunni ministers hold slots they considered relatively unimportant, such as the ministries of culture and of women's affairs, prompting Sunni resentment. Some of the difficulties in appointing Sunnis were reportedly caused by UIA and Kurdish resistance to appointing any Sunnis who were in Saddam Hussein's Baath Party.
- Several senior Kurds are in the cabinet. KDP activist Hoshiyar Zebari is retained as Foreign Minister, and PUK official Barham Salih has been named Minister of Planning.
- On May 10, the National Assembly appointed a 55-member committee to begin drafting the permanent constitution. The UIA has 28 slots on that committee, and the Kurdish alliance has 15 slots. Allawi's bloc got 8 seats on it. Apparently, only one Sunni Arab was appointed.

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