Iraqi Elections Ahead

THE SHI'A-SUNNI FACTOR

For the third time since the downfall of Saddam Hussein's iron fist rule over Iraq, national elections are to be held on March 7, 2010. This basically positive finding should, however, not deter from the fact that the Iraqi system still faces a lot of problems not only in terms of security but also on the political realm. As became obvious during the campaign period, the deep divisions between Shi'a and Sunni actors are still unsolved.

The death of Abdul Aziz al-Hakim—the head of the conservative US-backed Shi'a Islamic Supreme Council of Iraq (ISCI), which is under the umbrella of the Shi'a Iraqi National Alliance (INA)—who succumbed to lung cancer in August 2009, left a vacuum in the Iraqi political scene. Abdul Aziz's role in the resurgent of Shi'a political power in Iraq was fundamental to the establishment of the Shi'a led-government. As a proponent of, and supported by both the US and Iran, Abdul Aziz's leadership was envisioned to set the co-ethnic standard for Iraqi politics in the future. Although criticised for working with the USA and Iran, he was instrumental in the Shi'a led United Iraqi Alliance (the predecessor of INA) victory in the January and December 2005 parliamentary elections.[1]

Among the implications of Abdul Aziz's death is the problem of absorbing anti-American elements, particularly the party of Muqtada al-Sadr. The weakening of the ISCI may trigger a strengthening of radical Shi'a

politics rather than an advancement of more moderate political agendas. Indeed, although the nominal head of the ISCI, it is still too early to say if Abdul Aziz's son Ammar al-Hakim is truly in charge of his organization, or rather is in danger of becoming a puppet of ISCI party hard-liners. This might in the end weaken the traditional alliance between the Sunni Kurds and the Shi'a which is based on the historic decision of Ayatollah Muhsin al-Hakim, the father of Abdul Aziz, to issue a religious decree in 1965 that forbade Iraqi Shi'a from participating in the war against the Kurds.[2] However, in a January interview with Ammar al-Hakim, it appears that support from Kurdish President Massoud Barzani will continue.[3]

By forming the INA, the Shi'a Muslim political parties in Iraq united to an alliance consisting of the largest Shi'a parties—among them the splintered ISCI, followers of anti-U.S. Shi'a leader Muqtada al-Sadr, who also heads the al-Mahdi Army militia, and the Iraqi National Congress headed by Ahmad Chalabi.[4] However, Prime Minister Nouri al-Maliki's Dawa party has chosen to remain aloof from the bloc. At the same time, this coalition is not limited to Shi'a parties. It includes a small number of Sunni factions

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[1] BBC. "Obituary: Abdul Aziz al-Hakim", 26 Aug 2009,
http://news.bbc.co.uk/2/hi/8222560.stm (accessed 27 Feb 2010).

[2] Hayder Al Khoei, "Natural Alliance", *Kurdish Herald*, Vol. 1. No. 2, June 2009,
http://www.kurdishherald.com/issue/002/article06.php (accessed 27 Feb 2010).

[3] Kovan Selim, "Possible Shia-Kurdish Alliance in upcoming Iraqi elections",
http://rudaw.net/details.aspx?lang=English&page=articles&c=home&id=16029 (accessed 27 Feb 2010).

[4] Al Jazeera English, "Iraqi Shi'as form new alliance",
http://www.cfr.org/publication/10903/ (accessed 3 Dec 2009).

from the Western Anbar province (who were instrumental in the U.S. invasion).

The debated issue that delayed fixing a concrete date for the Iraqi election was a consensus on the election law. The election law amplified the power struggle and sectarian division within the Iraqi parliament. While Shi'a and Kurdish parties aimed to decrease the number of seats in parliament for the Sunni, the Sunnis aimed to increase political representation for—mostly Sunni—Iraqis who fled Iraq due to the war and its effects.

The much debated election law finally passed parliament in early November 2009; however, it was vetoed by the Sunni Iraqi Vice-President Tariq al-Hashemi on the 18th of November 2009, which placed more pressure on parliament to come to a consensus or concession if they were to meet the constitutional election deadline. Al-Hashemi intended to increase the number of seats for minorities, i.e. Christians and Iraqis in the diaspora from five to fifteen percent.[5] He justified his vetoing decision based on concerns that Iraqi voters in the diaspora were under-represented.[6] The move by al-Hashemi was not a positive step according to Shi'a and Kurds, considering that the Sunni minority was privileged during the authoritarian rule of Saddam Hussein.

In May 2008, the Iraqi government proposed a national census to be conducted by the end of 2009 in time for the 2010 election, which would, according to Minister of Planning Ali Baban, enable the government to acquire detailed information of eligible voters.[7] The census would also assess the number of seats that would be given to particular provinces depending on the population growth. However, by August 2009, the government "postponed indefinitely" the plans for a nationwide census, fearing tensions that may arise as a result of the census over the disputed areas in the north between Arabs and Kurds, and especially over the oil-rich Kirkuk region.[8] Nevertheless, there was an unofficial count based on the past census (the last official count conducted in 1997), which approximated the population growth in each area. As such the Kurdish provinces protested a lack of seat allocation, while their Sunni counterparts received a significant seat increase for the 2010 election. For example, the Kurdish province of Sulaymaniya received no new seats, while the Sunni province of Nineveh almost doubled its share from nineteen seats in 2005, to thirty-one seats in the 2010 election.[9]

The bitter disagreement and power-struggle between sectarian groups in parliament over the election law was finally passed after sectarian concessions a few minutes before the midnight deadline on 6 December 2009, due to U.S. intervention on the side of the Kurds. The Kurds, who were for the most part side-tracked for the Shi'a following the fall of Saddam Hussein, were a key entity to passing the election law, and were once again espoused by U.S. President Barack Obama. On the eve of the deadline for the election law, and with only a few minutes to spare, Obama called Kurdish President Massoud Barzani, promising support on solving key issues next year, particularly conducting a census in the Kurdish provinces and clarifying the status of the disputed city of Kirkuk, which resolved the

[5] Richard Spencer, "Iraq election plan vetoed by Vice-President Tariq al-Hashemi", *Telegraph,* 18 Nov 2009, http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/6599026/Iraq-election-plan-vetoed-by-Vice-President-Tariq-al-Hashemi.html, (accessed 27 Feb 2010).
[6] Michael Christie, "Analysis—Iraq election Chaos exposes sectarian divide", *Reuters,* 25 Nov 2009, http://www.reuters.com/article/idUSGEE5AN16U, (accessed 27 Feb, 2010).
[7] Wisam Mohammed, "Iraq to hold national census in 2009—minister", *Reuters*, 28 May 2009,

http://www.reuters.com/article/idUSL28863809, (accessed 27 Feb 2010).
[8] BBC News, "Iraq abandons nationwide census", 17 Aug 2009, http://news.bbc.co.uk/2/hi/8204550.stm, (accessed 7 Dec 2009).
[9] Joel Wing, "Iraq's 2010 election law faces new challenge from Kurdistan," 20 Nov, 2009 http://www.epic-usa.org/2009/11/20/iraq%E2%80%99s-2010-election-law-faces-new-challenge-from-kurdistan, (accessed 27 Feb 2010).

deadlock.[10] Thus, the election law was passed, increasing the number of seats in parliament from 275 to 325 to accommodate Kurds and Sunni claims.P[11]

Another factor that has burdened the period of the election campaign along the lines of sectarian divisions is the controversial de-Ba'athification of Iraq. Following U.S. invasion of Iraq and the toppling of Saddam Hussein in May 2003, U.S. envoy L. Paul Bremer's Order No. 1 was to ban the Ba'ath Party.[12] The aim of de-Ba'athification is to bar former members of the party's top four levels—out of six levels—from working in the new Iraqi government. Seven years have passed since Bremer's order, yet the ramification of it still leads to many tensions and controversy. In January 2008, the Justice and Accountability Law was passed as a measure to relax the strict requisite of its predecessor, the de-Ba'athification law, on limitation as well as eligibility of Ba'ath members' admission into the Iraqi government. The new law only bars the first three levels, allowing approximately 30,000 members to be eligible to join the new government.[13]

Nevertheless with the upcoming March 7, 2010 election, the Shi'a led Justice and Accountability Commission (JAC), which was established to administer the Justice and Accountability law, created a political crisis in January 2010 when it issued a controversial decision to bar around 500 parliamentary candidates from participating in the election on grounds that they were affiliated with Saddam Hussein's Ba'ath party.[14] High profile political figures such as the current government spokesman Ali Al-Dabbagh, and the Minister of Defence Abdul Kader Jassem al-Obaidi were not immune from the JAC's ban. Member of parliament Dhafer al-Ani, a strong critic of Iran's influence and interference in Iraq and its possible role in the country following U.S. withdrawal was also disqualified from the 2010 election. Additionally, outspoken Sunni parliamentarian Saleh al-Mutlaq and his party, Iraqi Front for National Dialogue, were also on the barred list disqualifying them from participating in the 2010 election on grounds of his former involvement with the Ba'ath party—though al-Mutlaq declared to have left the party already in the 1970s.[15] Notably, Mr. Mutlaq is one of the most prominent Sunni members of the Iraqi Nationalist Movement (INM) to run in the election alongside Shi'a INM partner, former interim Prime Minister, Ayad Allawi.[16] The significance of Mutlaq's ban is that his alliance with Allawi presents a powerful challenge to Prime Minister al-Maliki's State of Law coalition in the upcoming election.[17] However with Mutlaq disqualified, Allawi will have to carry the torch alone.

The dispute that ensued following this announced verdict by the JAC disqualifying

[10] Jane Arraf, "Call from Obama seals Iraq election law", *The Christian Science Monitor*, 7 Dec 2009, http://www.csmonitor.com/2009/1207/p06s07-wome.html, (accessed 8 Dec 2009).
[11] Marina Ottaway and Danial Kaysi, "Sunnis in Iraq, 6 Years after Saddam", *Carnegie Endowment for International Peace,* 10 Dec 2009, http://www.carnegieendowment.org/publications/?fa=view&id=24292 (accessed 26 Feb 2010).
[12] Anthony Shadid, "The Long, Long Shadows of Early Missteps in Iraq", *The New York Times,* 19 Feb 2010, http://www.nytimes.com/2010/02/21/weekinreview/21shadid.html?scp=1&sq=de-baathification&st=cse (accessed 25 Feb 2010).
[13] Solomon Moore, "Uncertainty surrounds new Iraqi de-Baathification law", *The New York Times*, 14 Jan 2008, http://www.nytimes.com/2008/01/14/world/africa/14iht-baghdad.1.9189660.html?_r=1 (accessed 25 Feb 2010).

[14] Economist Intelligence Unit (EIU), "Iraq Politics: Bath Stigma", *Economist Intelligence Unit,* 18 Jan 2010, www.eiu.com (accessed 25 Feb 2010); also see Anthony Shadid, "The Long, Long Shadows of Early Missteps in Iraq", *The New York Times,* 19 Feb 2010, http://www.nytimes.com/2010/02/21/weekinreview/21shadid.html?scp=1&sq=de-baathification&st=cse (accessed 25 Feb 2010).
[15] EIU, "Iraq Politics: Bath Stigma", *Economist Intelligence Unit*, 18 Jan 2010, www.eiu.com (accessed 25 Feb 2010).
[16] Marina Ottaway and Danial Kaysi, "De-Baathification As A Political Tool: Commission Ruling Bans Political Parties and Leaders", *Carnegie Endowment for International Peace,* 26 Jan 2010, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=24778 (accessed 25 Feb 2010).
[17] March Santora, and Riyadh Mohammed, "Iraq's Other Security Threat: Politics", *The New York Times*, 9 Dec 2009, http://www.nytimes.com/2009/12/10/world/middleeast/10iraq.html?pagewanted=1 (accessed 25 Feb 2010).

candidates for the upcoming election compelled Sunnis to ask for US intervention. However, the head of the JAC, Shi'a MP Ali Al-Lami and the Shi'a Prime Minister al-Maliki warned the U.S. not to "overstep its place" while the Sunni sector—particularly those that were banned—wanted the U.S. to take on the role as arbitrator in the ban.[18] The credibility of the JAC had come under attack for the partial and unmitigated mass barring of Ba'ath members from the 2010 election. Al-Lami' political opponents have termed the commission's move a witch-hunt considering that many of the members in the Shi'a led JAC are also running as INA candidates for the 2010 election.

When the two high-profiled Sunni candidates, al-Mutlaq and al-Ani, came under the banned list, U.S. Vice-president Joseph Biden contacted Prime Minister al-Maliki, President Jalal Talabani and Iraq's speaker of parliament, Ayad al-Samarai to convey U.S. apprehension over the ban on high profile political figures. Furthermore the U.S. made clear that they expect the Iraqi government to repair this political faux pas. There was also an implicit message by the U.S. that they may reconsider its military withdrawal date, postponing it to a later date than the proposed August 2011 deadline if as a result of the JAC ban Iraq falls into political chaos following the election.[19]

The controversy underlying the JAC decision, the lack of evidence to support claims of the candidates' affiliation with the Ba'ath party, international pressure, and the repercussion it will have on the legitimacy of the March 2010 election compelled the Iraqi government to call for a lift on the JAC ban. On February 3rd, the appellate court overturned the JAC decision allowing for 511 disqualified candidates to run in the March

2010 election.[20] However, Prime Minister al-Maliki expressed his dissatisfaction with the appellate court's decision calling it unconstitutional and illegal.[21] Ammar al-Hakim's ISCI also joined al-Maliki's State of Law coalition in declaring for a reinstatement of the ban which would have been to the significant benefit of both parties.[22] However, the overturn of the JAC ban does not necessarily clear all candidates of the charges; rather it only postpones them until after the election because not all charges could be reviewed before the commencement of the election.[23] Following the repeal on the ban, in a rescind from an announcement a week earlier that he will withdraw his entire list for the election, Al-Mutlaq announced on February 25 that he will allow his party to take part in the election even though he personally is still barred from participating.[24]

The period prior to the March 7, 2010 elections has been marked by tensions and divisions along sectarian lines which has gained momentum in Iraq once again. Recent developments between Sunni and Shi'a, but also among Shi'a sectors, are hardly suitable to constructive nation and state building. The politicisation of the de-

[18] Anthony Shadid "The Long, Long Shadows of Early Missteps in Iraq", *The New York Times,* 19 Feb 2010, http://www.nytimes.com/2010/02/21/weekinreview/21shadid.html?scp=1&sq=de-baathification&st=cse (accessed 25 Feb 2010).
[19] EIU, "Iraq Politics: Bath Stigma", *Economist Intelligence Unit*, 18 Jan 2010, p. 1, www.eiu.com (accessed 25 Feb 2010).

[20] Asharq Alawsat Daily, "Iraq says Decision to Unban Candidates 'Illegal'", *Asharq Alawsat Daily,* 4 Feb 2010, http://www.aawsat.com/english/news.asp?section=1&id=19753 (accessed 25 Feb 2010); also see EIU , "Country Report—Iraq", *Economist Intelligence Unit*, Feb 2010, www.eiu.com (accessed 25 Feb 2010).
[21] Gregg Carlstrom, "Maliki, Hakim pledge to overturn Ba'ath decision", *The Majlis*, 4 Feb 2010, http://www.themajlis.org/2010/02/04/maliki-hakim-pledge-to-overturn-baath-decision#more (accessed 25 Feb 2010).
[22] EIU, "Iraq politics: Shifting alliances", *Economist Intelligence Unit*, 24 Feb 2010, www.eiu.com (accessed 25 Feb 2010) p. 1; also see Gregg Carlstrom, "Maliki, Hakim pledge to overturn Ba'ath decision", *The Majlis*, 4 Feb 2010, http://www.themajlis.org/2010/02/04/maliki-hakim-pledge-to-overturn-baath-decision#more (accessed 25 Feb 2010).
[23] EIU, "Country Report—Iraq", *Economist Intelligence Unit*, Feb 2010, p. 10, www.eiu.com (accessed 25 Feb 2010).
[24] Asharq Alawsat Daily, "Sunni leader decides to take part in Iraq election", Asharq Alawsat Daily, 25 Feb 2010, http://www.asharq-e.com/news.asp?section=1&id=19997 (accessed 25 Feb 2010).

Ba'athification issue during the election campaign may very well be costly in the long run since it deepens the divisions between the political camps. Moreover, some prominent Sunni leaders may have the capabilities to question the legitimacy of the elections. In its recent report, the International Crisis Group puts it in a nutshell: "The focus on electoral politics is good, no doubt, but the run-up has highlighted deep-seated problems that threaten the fragile recovery."[25]

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[25] International Crisis Group 2010, "Iraq's Uncertain Future. Elections and Beyond", *Middle East Report,* No. 94, 25 Feb 2010, www.crisisweb.org (accessed Feb 25 2010).