

A stylized map of Iraq composed of a grid of grey dots, with several dots highlighted in red to indicate specific regions or points of interest.

Frustration, Fragmentation, Uncertainty

Iraq on the Eve of the 2014 Parliamentary Elections

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- On April 30th, Iraqis will be called upon to elect a new Parliament. In view of the dramatic crisis gripping the country, the elections will be taking place under most adverse conditions. The likelihood of political change, which many are longing for, seems to have receded into a dim distance.
- The state has lost control over certain parts of the country in the last few months – and is currently trying to regain these with draconian methods.
- Since last year, Iraq is, once again, being shaken by violence verging on civil war. 3,600 people have died from attacks in 2014 so far. There were more than 9,500 victims in 2013, the highest mark since 2008.
- There is evident discontent with Nouri Maliki's government among the population. In spite of this, his *State of Law Coalition* is expected to achieve a majority in the elections.
- Frustration among the population is rife. Many people no longer believe that participation in democratic processes such as elections will lead to change in the country. Furthermore, many people will probably stay at home on election day out of security concerns. A low voter turnout is therefore highly likely.

Since last year, Iraq is, once again, being shaken by violence verging on civil war. The organization *Iraq Body Count* has already registered 3,600 deaths following attacks. The death toll in 2013 was more than 9,500, the highest figure since 2008. Iraqis perceive the violence as ubiquitous – nobody can be sure when and from where the next threat will come. Any part of Iraqi society can fall victim to the attacks, which Iraq is now witnessing on a daily basis again.

The state has lost control over certain parts of the country over the last few months – and is now trying to regain it with draconian measures. The al-Qaeda offshoot ISIL (*Islamic State of Iraq and the Levant*) has proclaimed an Islamic State in Ramadi and Fallujah in the Sunni province of Anbar, controlling these areas with militia. Moreover, fighters frequently penetrate into neighboring areas and advance in the direction of the capital.

With the fifth largest oil and twelfth largest gas reserves in the world, Iraq is rich in natural resources. Nevertheless, one-fifth of the population lives below the poverty line, the infrastructure is still in ruins and access to public services is inadequate or not available at all. Rampant corruption is exacerbating the unjust distribution of wealth and the inefficiency of the state.

There is evident discontent with Nouri Maliki's government among the population. Many already perceive him to be a new dictator: During his two terms in office, he has been able to accumulate power while keeping political adversaries and the opposition in check or completely eliminating them. The security forces under his command are regularly accused of operating outside the law and of subjecting political opponents to arbitrary assault.

On April 30th, Iraqis will be called upon to elect a new Parliament. In view of the dramatic crisis gripping the country, the national parliamentary elections – the fourth since the US invasion in 2003 – are taking place under most adverse conditions.¹ The likelihood of political change, which many are longing for, seems to have receded into a dim distance.

1. After the fall of the regime of Saddam Hussein, Iraqi parliamentary elections took place in 2005 (twice: in January and in October) and 2010.

Security Crisis and Loss of State Control

The Sunni population in provinces like Anbar feels systematically discriminated against and marginalized by the Shia-dominated Maliki government. Protests came to a head at the end of December 2012, when the police searched the house of Sunni Minister of Finance Rafi Issawi and arrested ten of his bodyguards. Thousands of demonstrators took to the streets in Sunni areas across Iraq. In the following weeks, the army clamped down on demonstrators in an increasingly heavy-handed manner, producing the first fatalities. The crisis escalated on 23 April 2013, when security forces stormed a Sunni protest camp in Hawija, near Kirkuk, with 40 demonstrators being killed and many more injured in the ensuing clashes. Several Sunni tribal leaders called for revolt. Retaliatory strikes and battles between Sunni and Shia groups and the security forces have caused Iraq to become deeply mired in a spiraling escalation of violence ever since.

These developments, paired with the intensifying civil war in neighboring Syria, paved the way for the strengthening of ISIL in Anbar and in neighboring provinces in Iraq. In 2013, ISIL expanded its influence in Anbar, gaining increasing control over different parts of the region. In a spectacular coup, ISIL succeeded in freeing several hundred inmates from Abu Ghraib prison, most of whom are attributed to al-Qaeda/ISIL. The breaking up of a protest camp in Ramadi by Iraqi security forces at the end of 2013 triggered violent clashes in Anbar Province. Numerous Sunni militias sided with ISIL.

In spite of attempts to make concessions to the Sunni population, for example by easing some provisions in the De-Baathification Law and by devolving more powers to the provinces, the government has not been able to completely regain control. Maliki's strategy of supplying loyal Sunni militia with weapons and money (urged upon him by the US) came too late. Although security forces are consistently reclaiming territory, ISIL is still able to frequently deal new blows to their targets. Nor is the violence by any means limited to Anbar, instead spreading over large parts of Iraq. The all-out strategy adopted by Iraqi security forces against ISIL comes largely at the expense of the civilian population. More than 400,000 people have been driven from their homes by the Anbar crisis.

The nearer the elections are drawing, the more election-related violence is taking place. Several candidates and their staff members have already lost their lives in attacks. The Independent High Electoral Commission (IHEC) announced at the beginning of April that no voting stations could be set up in parts of Anbar, as the security of staff and voting equipment could not be guaranteed.

Legal and Structural Framework of the Elections

Iraq is currently following a unicameral system. The Parliament, the Council of Representatives (CoR), is elected according to an open-list proportional representation system. Voters can opt for a candidate within a list or can cast their vote for a list in general. There is no absentee voting in Iraq. All voters have to cast their ballots in their hometowns. Iraqis living abroad, which make up a considerable number, have the opportunity to participate in the elections through the out-of-country voting process, which is organized in 19 countries around the world. The many internally displaced persons (IDPs) in Iraq, whose number has surged in the wake of the security crisis in Anbar, can cast their votes at polling stations away from home in a special ballot procedure.

Just in time for the 2014 elections, the Parliament adopted an amendment to the electoral law in November 2013. The passage of the new law came only after a heated controversy. Kurdish delegates lobbied for a return to the system used in 2005, in which Iraq was considered one single electoral district. A single-district system would have been advantageous for the Kurdish autonomous region, as the voter turnout there is generally higher than in other parts of the country. Hence, Kurdish parties would have profited from a relatively higher number of votes. Ultimately, the system used in 2010, which divides Iraq into multiple districts, was adopted along with several modifications. The number of parliamentary seats was increased by three to 328, with the additional seats all being assigned to Kurdistan.

Eight seats are reserved for minorities – Christians, Yazidi, Sabaeans and Shabak. According to the Constitution, at least 25 percent of the Members of Parliament must be women. In each list, a female candidate has to follow every third male and the overall female share must be at least 25 percent.

The elections in Iraq are being carried out by the Independent High Electoral Commission (IHEC). IHEC stirred up a considerable controversy back in March, when the commissioners jointly announced their resignation, thus casting doubt on whether the elections could take place as planned. The reason behind this was the discussion around the barring of certain candidates from the election, which has always been a delicate topic in Iraq. While De-Baathification clauses stood at the center of the controversy in 2005 and 2010, this time, it was provisions stipulating that all candidates should be »of good moral reputation«. The latter is generally taken to mean that a candidate must not have been subject to multiple arrest warrants. This liberal interpretation virtually invites abuse. In several cases, there was strong suspicion that political opponents had been or were to be eliminated this way. Against this backdrop, Parliament adopted an amendment to the law providing for candidates to be presumed innocent and requiring a conviction for the exclusion of candidates. In response to this, the IHEC commissioners announced their resignation, as they felt that they were being confronted with contradictory decisions by the Parliament and the Judiciary. One Commissioner even described the Parliament's initiative as interference in the work of IHEC, jeopardizing its independence. After the passing of less than a week, the Commissioners withdrew their resignations. The liberal interpretation of the regulation was upheld against the will of the Parliament.

Advancing Fragmentation: The Most Important Political Actors

9,040 candidates are contending for 328 seats in the upcoming parliamentary elections. 71 parties² and 36 coalitions are standing for election. Virtually no party or alliance has a genuine party program or platform to show. Voting decisions are usually based on ethnic, confessional, geographic or personal grounds.

For the parliamentary elections in 2005 and 2010, many political parties joined together in coalitions. Several of these broke up in the course of the past legislature and changed their composition. While Maliki's *State of Law Coalition* is still relatively intact, the Sunni-secular

2. Absent a law on political parties, the term currently used in Iraq is »political entities«. In this paper, however, »party« is used to enhance comprehensibility.

Iraqiyya and the Shia-dominated *Iraqi National Alliance* (INA) have splintered into several groups. In addition to the main actors listed below, there are a number of small coalitions like the *Civil Democratic Alliance*, a network of communist and other leftist secular parties.

Contrary to some presumptions, this fragmentation of the political spectrum is not due to the amendment of the electoral law, which benefits bigger parties even more than before. The reasons for the disintegration are rather to be seen in an increasingly polarized and belligerent political atmosphere – a consequence of Maliki's *divide et impera* strategy. In doing so, Maliki is not necessarily interested in ethnic-confessional factors but rather in expanding his power base through systematic intimidation and suppression of political opponents. The last few months have witnessed a gridlocked government and Parliament, paralyzed by political stalemate, making it impossible to take any important decisions such as the approval of the public budget.

The State of Law Coalition

Under the leadership of the current Shia Prime Minister Nouri Maliki and his Islamist *Da'wa* party, the Shia-dominated *State of Law Coalition* is the strongest political force in Iraq at present. In spite of Maliki's unpopularity mentioned at the outset, it is highly likely that the coalition will secure a majority in the elections. For one, this is due to the break-up of previous alliances and the inability of his political opponents to join together in a forceful »anti-Maliki coalition«. Secondly, there is no eminent figure among the leaders of the existing coalitions presenting himself as a strong contender against Maliki.

In April 2012, an ad hoc Sunni-Shia coalition under the leadership of Iyad Allawi, Usama Nujaifi and Moqtada Sadr attempted to topple Maliki with a vote of no confidence. They initially succeeded in collecting the signatures of 176 Members of Parliament, which would have been more than the 20 percent of 325 delegates required under Article 61 of the Constitution. However, President Jalal Talabani subsequently refused the vote to be held, claiming that there were no longer sufficient signatures. It can be assumed that several Parliamentarians had withdrawn their signatures at the urging of Prime Minister Maliki.

In early 2013, Parliament adopted a law limiting the terms of office of the Prime Minister and the Speaker of Parliament to a maximum of two legislatures, which would have prevented Maliki from running again in 2014. In August, the Supreme Court declared this law invalid, paving the way for a third term for Maliki.

Most recently, there was considerable friction between Prime Minister Maliki and the Sunni Speaker of Parliament Usama Nujaifi, which raised the specter of a constitutional crisis. Maliki characterized the Parliament as being »on the ropes«, refuting its legitimacy.³ The Prime Minister called upon Members of Parliament to boycott the sessions as long as Nujaifi refused to put up the controversial draft budget for a vote. The fact that Maliki's supporters subsequently demanded the dissolution of Parliament and the declaration of a state of emergency prompted widespread concern that Maliki might seek to cling to power even if he lost the election.

The Ahrar Bloc

The Ahrar Bloc is the political wing of the Shia Sadrist movement. While, in 2010, the Sadrists helped Maliki to a second term as Prime Minister, over the last few years, the spiritual leader of the Sadrists, Moqtada Sadr, turned into one of Maliki's most fervent critics.

Until recently, Moqtada Sadr was considered Maliki's strongest contender. In February, however, Sadr unexpectedly announced that he was retreating from politics, which came as a surprise to even his closest followers. The motives for Sadr's move are strongly disputed. Sadr himself claimed that he wanted to preserve the legacy of his family and their moral and religious status.⁴ Sadr, whose followers are largely recruited from the poorer strata of society and who propagates social justice, had recently been angered by Sadrist parliamentarians who had voted for an increase in pension payments to Members of Parliament and had become mired in corruption scandals.

3. Hasan Harith: »Bitter Maliki-Nujaifi exchanges strain political system.« *Al Monitor*, 10 March 2014; <http://www.al-monitor.com/pulse/originals/2014/03/iraq-sectarian-ethnic-mobilization-elections.html>

4. Hasan Harith: »Is Muqtada al-Sadr retiring or repositioning?«, *Al Monitor*, 21 February 2014; <http://www.al-monitor.com/pulse/originals/2014/02/sadr-decision-retire-repositioning.html>

As a matter of fact, however, Sadr significantly weakened the Ahrar Bloc as a counterweight to Maliki's *State of Law Coalition* with this step. Indeed, Sadr called upon his followers to still take part in the elections in order to bring about needed change and asked those holding office not to resign from their posts. Yet, at the same time, he underscored that he no longer supported any political entity or institution. Several Members of Parliament and of the Provincial Councils resigned directly after his announcement. In his farewell address, Sadr called Maliki a dictator and tyrant, asserting that Parliament was paralyzed and accusing the Iraqi judiciary of being politicized.

According to the Sadrist credo, the religious leadership should also play a role in public life and politics. Observers assume that Sadr is currently merely repositioning rather than completely withdrawing from politics.⁵ Most likely, he will continue to pull the strings from behind the scenes and will reappear in the political arena at a later time.

The Citizen Coalition (Mouwatin)

The chairman of the Shia *Islamic Supreme Council of Iraq* (ISCI), Amar Hakim, whose party had still been part of the *Iraqi National Alliance* (INA) in 2010 (to which, among other groups, the Sadrists had belonged), founded the *Mouwatin Coalition* ahead of the provincial elections last year. The Coalition brings together a total of 23 parties, among them the *Iraqi National Congress* of the secular former Deputy Prime Minister Ahmed Chalabi. *Mouwatin* came in as the second strongest power after Maliki's *State of Law Coalition* in last year's provincial elections. Although INA was among Maliki's supporters in 2010, *Mouwatin* is now opposing a third term for the Prime Minister but has remained moderate in its criticism of him.

The National Coalition (Wataniyya)

Wataniyya emerged from the previous *Iraqiyya Coalition*. It has a secular orientation and is led by former Prime Minister Iyad Allawi. The alliance includes both Sunni and Shia members. Progressive and liberal groups

form the base of *Wataniyya*. In this, however, the *Civil Democratic Alliance* is a tough competitor. Overall, it is expected that secular actors will only have slim chances in the coming elections.

Arabiyya

Arabiyya also emerged from the disintegration of the *Iraqiyya Alliance*. It is comprised of nine parties, adopts a Sunni-secular line and is headed by Deputy Prime Minister Saleh Mutlaq. Presumably, *Arabiyya* will have a tough time attracting a large number of voters. The Coalition's base was originally in Anbar, Salahuddin and Kirkuk. However, Mutlaq has suffered a certain loss of credibility as of late, vacillating between criticism of and support for Maliki's government. People in Anbar, in particular, resented the fact that he supported the *State of Law Coalition* in the 2013 provincial elections. In the last few months, though, Mutlaq spoke out increasingly openly against Maliki, including in international media outlets, heavily criticizing the current state of Iraq. It is conceivable that *Arabiyya* will join forces with Usama Nujaifi's *Moutahidoun*.

Uniting for Reform (Moutahidoun)

The *Moutahidoun Coalition* also counts among the larger alliances, emerging out of parts of the previous *Iraqiyya*. The 13-party network is led by the current Speaker of Parliament Usama Nujaifi. *Moutahidoun* is aiming to become the largest Sunni bloc in the elections and is running in the Sunni provinces of Anbar, Salahuddin and Nineveh, but also in Diyala and Kirkuk, which are dominated by Arab Sunnis and Kurdish Sunnis. Its base is in Mosul, the hometown of its leader Usama Nujaifi, where his brother, Atheel Nujaifi, also serves as governor.⁶

Dignity (Karama)

The new *Karama Alliance* was founded by Sunni businessman Khamis Khanjar among others, who was considered to be the main sponsor of *Iraqiyya*, and Parliamentarian Ahmad Alwani, who was arrested at the end of 2013

5. Ibid.

6. Hasan Harith: »Electoral race heats up among Iraq's Sunni factions.« *Al Monitor*, 17 April 2014; <http://www.al-monitor.com/pulse/originals/2014/04/iraq-election-race-competition-sunni-forces.html>

and charged with sectarian provocation.⁷ *Karama* is very critical towards Maliki and pitches itself as representing the Sunni protest movement. Geographically speaking, the Alliance concentrates on Anbar with the aim of profiting from the resentment harbored by the Sunni population against the Shia-dominated Government.

The Iraq Coalition

The newly founded *Iraq Coalition* is an alliance dominated by major business players and promotes technocratic governance and greater influence of businesspersons.⁸ It is standing for election in all Shia and Sunni provinces. With its attitude towards Maliki being very moderate, the Coalition is expected to pursue a coalition with Maliki in the case of the latter's victory.

Kurdish Parties

The two most important Kurdish parties – the *Kurdistan Democratic Party* (KDP, Massoud Barzani) and the *Patriotic Union of Kurdistan* (PUK, Jalal Talabani) – competed as the Kurdish Alliance in the national parliamentary elections in 2005 and 2010. This time, they will be running individually, as they already did in last year's Kurdish parliamentary elections. A third actor has entered the picture since 2009 in the guise of *Gorran* (Newshirwan Mustafa), a split-off from the PUK, which has considerably gained influence since then. *Gorran* surprisingly came in as the second strongest force in the parliamentary elections in the Autonomous Region of Kurdistan in September 2013, relegating the PUK to third place. This significantly shook Kurdish power constellations, as the coalition between KDP and PUK, which had dominated Kurdistan since 1992, will no longer work. The three parties are currently seeking to form a joint government. However, to date, no agreement has been reached regarding its exact composition, especially vis-à-vis the assignment of offices. It is plausible that the victorious KDP intends to wait and see how the PUK will perform in the national parliamentary elections and in the Kurdish provincial elections taking place at the same time, in order to see whether the PUK will emerge from these in a stronger or weaker bargaining position.

7. Ibid.


8. Ibid.

Jalal Talabani is both chairman of the PUK and President of Iraq. He is an important moderating force in Kurdistan as well as in all of Iraq. His absence due to illness since December 2012 has been a heavy blow for his party, as Talabani cannot easily be replaced in either of his two offices. He has also been sorely missed as a moderator in his function as President in the last one and a half years. No consensus could be reached on whether, in view of the long absence of Talabani, new elections would have to be held for the office of the President according to Article 72 of the Iraqi Constitution. Thus Talabani's office remained vacant or rather Deputy President Khudair Khuzai filled in for him. Since the Constitution limits the office of the President to a maximum of two legislatures, Talabani would not be able to serve another term, even if he recovered from his illness. The question of his succession can therefore not be postponed any longer.

Prospects

Frustration is rife among the population. Many people no longer believe that participation in democratic processes such as elections will lead to progress in the country. The crumbling of previous alliances and the fragmented political spectrum are exacerbating the uncertainty and reinforcing doubts that political change is indeed possible. Furthermore, many people will probably stay at home on election day out of security concerns. Despite the security precautions provided by the state, it is highly likely that polling stations will be systematically targeted for attacks. Thus, it is safe to assume that the voter turnout will be as low as or even lower than in the previous elections. These factors especially apply to the Sunni population.

It has been frequently speculated that the elections could be postponed at the last moment owing to the current security crisis. These concerns were additionally fueled by Maliki's cabinet, which submitted a draft bill to Parliament at the beginning of April, providing for an expansion of emergency legislation. The law would assign the Prime Minister significant powers while, at the same time, allowing him considerable latitude on important issues through vague wording of its provisions. While this bill no doubt warrants concern, it is nevertheless unlikely that the election date will be postponed on short notice. Especially in the difficult situation, which Iraq faces at present, the Maliki Government has a keen interest in proving to the outside world that everything is under control in the country.



Even if there is little doubt that Maliki will secure a third term, it is foreseeable that the negotiations over the formation of a new government will turn out to be tedious. As previously, posts will have to be allocated in accordance with political, confessional, ethnic and geographic considerations, which is bound to generate substantial conflict among the different parties. The political trench warfare witnessed over the last few months has shown how this can lead to a standstill in the state's decision-making process. However, the pressing challenges, which Iraq faces, require that the government and Parliament become capable of acting effectively without delay. The security crisis compels a constructive approach, the sectarian tendencies must be thwarted, and long overdue legislative projects, such as the Oil Law and the settling of the status of the disputed territories, need to be tackled.

The process of democratization that began in Iraq after the US invasion has experienced several serious setbacks in the last few years. Nevertheless, it remains essential for Iraqis to adhere to democratic processes and to strive to expand and improve them. Building a democracy in a country, which does not have a democratic tradition, is a tedious process and marked by crises.

Germany and the EU can support Iraq in this endeavor by appealing to the Iraqi government to ensure the proper course of free and fair elections, to accept the results of the elections and to pave the way for the swift formation of a new, inclusive government. The democratization process can furthermore profit from support at the level of civil society, for instance, by promoting political information and participation and strengthening independent media.



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FES has been continuously working with local partners in Iraq since 2004 and is frequently present in the country. All projects in Iraq are coordinated through the FES office in Amman. At the outset, activities focused on supporting the constitutional process, developing independent media as well as on training and mobilizing local election monitors. Over the last few years, FES has expanded its network of partners and the spectrum of issues it addresses in Iraq.

Today, FES concentrates its efforts in the areas of strengthening democratic processes and political participation, promoting social justice and supporting civil society. A particular subject of German-Iraqi exchange is the expansion of federal structures in Iraq.

In addition to different public institutions such as the Parliament, FES cooperates with a host of civil society organizations, working, for example, on human and civil rights, and on politi-

cal participation of youth. FES and its Iraqi partners frequently organize events on current political issues and publish policy papers and books targeting decision-makers, activists and the interested public.

On the occasion of the 2014 elections, FES is again active in training local election monitors and will, moreover, be present in Iraq with a small team of international observers.

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