

The Myth of Early Elections in Iraq

by [Farhad Alaaldin \(/experts/farhad-alaaldin\)](/experts/farhad-alaaldin)

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ABOUT THE AUTHORS

[Farhad Alaaldin \(/experts/farhad-alaaldin\)](/experts/farhad-alaaldin)

Farhad Alaaldin is a writer and observer on current political affairs in Iraq and Kurdistan. He currently serves as the head of the Iraqi Advisory Council, and he has also worked as an advisor to two former Iraqi presidents. Alaaldin is a contributor to Fikra Forum.



Brief Analysis

On July 30, Prime Minister Mustafa al-Kadhimi announced that early elections in Iraq will take place on June 6, 2021. Following the announcement, various political parties unleashed a barrage of statements in Iraqi media, with some asking for even ‘earlier’ elections. This camp included the President, the Speaker, the UN Assistance Mission for Iraq (UNAMI), the Independent High Electoral Commission (IHEC), and a large number of political party leaders.

Party responses break down as follows: Shia parties welcomed the announcement with some asking for the date to be pushed earlier, while Sunni parties welcomed it conditional to the “return of internally displaced persons to their homes, use of Biometric IDs, [and] removal of militias from their area.” The Kurdish parties chose not to issue statements either supporting or opposing the plan. Even so, much hinges on the participation and active support of political parties and parliament moving forward, and their active support may be less reliable than public statements suggest.

Election Road Map

As political observers have noted, the PM doesn't have the constitutional authority to set an election date; rather, his announcement was a mere “political statement” and a “delivery of a promise.” Accordingly, President Barham Salih has claimed constitutional authority in setting the election date and issued a statement on August 3 outlining a road map for the early election. The steps include the government asking for dissolution of parliament, a vote by the parliament, then the President to set a date within 2 months after the dissolution of the current parliament. In his statement, the President invoked article 64 of the Iraqi constitution.

Even so, the question remains: do Iraq's political parties really have an intention of going for an early election? Early elections face multiple challenges, many of which require political parties to move forward on controversial or incomplete legal frameworks. The federal government's ability to address the following concerns will make a major difference in the success or delay of early elections.

Parliament Dissolution: Political observers believe that the political parties are not serious in dissolving the parliament. As of yet, members of parliament have not set dates to meet, and have addressed with the issue with substance-less statements of support.

Parliament Speaker Mohamed al-Halbousi, for example, supported the announcement and called for “holding a parliamentary session with the presence of the President, the PM and political parties,” but no one has followed up on this call to action, nor has he himself set a date for such a session. The observers believe that most of the political parties are comfortable with the level of representation they currently have. Any new election might reduce their influence, and as such they have no real desire to pursue a potentially disadvantageous outcome.

Current members of parliament are not keen to lose jobs with salaries and other perks. They have no guarantee that they will retain their positions, or even continue to take part in the political process if the government moves ahead with early elections.

Completion of Election Law: Also standing in the way of early elections is an unclear legal framework. Parliament has failed to complete the new election law that passed on December 24, 2019. A key component of the law—the mechanism of setting the constituencies – remains incomplete. In frequent debates over the last eight months, members of parliament have proposed small constituencies consisting of 4-5 seats rather than a single seat. The proposal aims to allow medium size parties a better chance of passing the electoral threshold.

Given this uncertainty in the face of elections, some parties support total abandonment of the new law and a return to the old one, which remains valid. The new system could cost the Shia parties six seats in Baghdad in favor of the Sunnis.

The Federal Court: The Federal Court is currently paralyzed, failing to meet quorum after one judge’s retirement. **The court is simultaneously struggling with parliament’s failure to pass a new Federal Court law as it is presented by the Constitution. 0** In addition, the bitter rivalry between the Chief Justice and the President of the Federal Court has stymied progress in appointing a new substitute judge.

As a solution, the Presidency has proposed a new arrangement of nine members for the Federal Court, including five judges, two experts on constitutional matters and two experts of Islamic jurisprudence. Of other proposed solutions, this new proposal has the best chance of succeeding given support of the political parties, but this again requires movement.

Independent High Electoral Commission (IHEC) issues: The new election law effectively dismantled the IHEC, removing the 29 director generals from office and leaving the commission without a budget. Despite several promises by the new government, the IHEC has received no funds at all.

Moreover, the IHEC been dysfunctional for a better part of two years. As a result, the **electoral list 0** not updated. And while multiple political parties have demanded that biometric IDs be used for elections, the IHEC doesn't have the capacity to update them quickly without the allocation of proper funds. Beyond these issues, the IHEC suffers from numerous other complications, and its readiness for elections in less than a year’s time will depend on the government’s dubious ability to address a range of problems.

Security: Security is a corner stone for any election. In Iraq’s case, the concern over security stems from past failure to restrict arms possession in the country. The current security situation threatens the integrity of the electoral system, and has led the political writer Sarmad al-Taei to argue, “the elections in the presence of chaos and armed militias will not be fair, and we will witness systematic assassinations of the most prominent candidates of the civil movement.” Armed groups have interfered with the electoral process in the past.

International Supervision: Several leaders including the President and Muqtada al-Sadr have requested international electoral supervision to “prevent fraud and fiddling with results,” and others agree that international observers and oversight from the UN Assistance Mission for Iraq (UNAMI) are crucial to fair elections. Nonetheless, **some 0** oppose the involvement of outsiders. They see such supervision as interference in Iraqi internal affairs, and even want to restrict the role of the to technical support.

Fear of Political Change: The previously discussed issues cannot be addressed without political will, and it is unclear whether political parties are serious in holding early elections. Most members of parliament probably dread any possible change in the legislature, and these parties could deliberately work to delay or derail the elections. The ensuing arguments will likely postpone the date of the elections.

Next Moves

The president and the prime minister have made their moves, and the ball is in parliament's court. They must decide what they are going to do, but judging by their performance in the last ten months, there is little to inspire hope.

The challenges highlighted above vary in nature; some are technical, some logistical and majority political. The logistical and technical issues are resolvable, but the same cannot be said about the political differences. All signs currently indicate that Iraq's political parties plan to put their own well-being above the common interest. As a result, a grand decision that involves early election is unlikely **unless the supporters of an early election gather momentum. Only this movement can create new circumstances that will force the rest of the parties to pursue early elections, even if they dislike the circumstances.** ❖

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