

'Managed Democracy' Gives Way in Iraqi Kurdistan

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ABOUT THE AUTHORS



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Brief Analysis

On July 29, the Independent High Electoral Commission (IHEC) issued the provisional results of last month's presidential and parliamentary elections in Iraqi Kurdistan. The election outcome -- the traditionally entrenched political bloc losing ground to a newly formed party -- has exposed an opening in the Kurdish Regional Government (KRG). Consequently, the region has taken a step away from a fully "managed democracy" toward a more fluid and unpredictable political system.

Parliamentary Balance

In the 111-seat KRG National Assembly, the Kurdistan list -- a bloc comprised of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) -- won a majority, with 57 percent of the vote and acquiring between sixty and sixty-three seats. As leader of the Kurdistan list, PUK politician and Iraqi deputy prime minister Barham Salih is the front-runner to be KRG prime minister. The newly formed Goran ("Change") list came second, capturing 24 percent of the vote and between twenty-seven and thirty seats. The Services and Reform list, a bloc comprised of Islamist and socialist groups, garnered 13 percent of the vote and around fourteen to seventeen seats. Eleven parliamentary seats were set aside for minorities.

Although the KRG has three provinces -- Erbil, Dohuk, and Sulaymaniyah -- the election was fought as a single electoral district. The election also used a closed-list system, with voters choosing parties rather than individual candidates. This mechanism, which was not used in Iraq's January 2009 provincial elections, serves to conceal the true balance of popularity among parties and candidates. The closed-list system is an important feature of the political condominium maintained by the KDP and PUK, two parties that seek to avoid direct competition over individual provinces and districts in the KRG.

This electoral system, however, cannot conceal the fact that the democratic state in Iraqi Kurdistan has taken a step forward beyond pure "managed democracy" (where, for instance, the two main parties won 93 percent of the seats in 2005 and split those seats equally between themselves). The KDP and PUK may still hold a controlling share, but they can no longer drive legislation through parliament with no opposition.

In a political system that puts a premium on maintaining a sense of national unity, the KRG parliament may begin to

see genuine multiparty debate and dealmaking. The Change list, led by PUK founder Noshewan Mustafa, seized an unprecedented share of the vote, building on a genuine desire for political change (and Noshewan's popularity and media holdings) to mobilize significant numbers of young and middle-class voters. In time, segments of the PUK and the KDP could break away, either as blocs of parliamentarians during the current term or in the form of voters in future elections. As such, a more fluid party political system is now at least a possibility.

PUK Weakness

A leadership crisis has been brewing in the PUK for many years, hastened by reports of the failing health of Iraqi president Jalal Talabani, who has led the PUK for thirty-four years. Drawing its support from the political and student center of Sulaymaniyah, the PUK has always been vulnerable to leadership challenges. Unlike the largely tribal and dynastic KDP, the PUK is a political organization that could potentially select its leadership from a number of choices. Potential successors to Jalal Talabani have ranged from old-guard fighters like Noshewan and Kosrat Rasoul to modernizers like Barham Saleh or Jalal Talabani's son Qubad, the KRG representative in Washington, DC. The scheduled handover of the KRG prime minister role from KDP to PUK was cancelled in 2008 in large part because the PUK could not reach an internal agreement on a candidate.

Talabani's party appears to have lost a large share of the vote to the Change party in Sulaymaniyah, where the election witnessed sporadic armed clashes and the lion's share of 651 fraud allegations. Before the elections, the KDP and PUK agreed that any seats won by the Change list would be subtracted from the share of Kurdistan-list seats apportioned to the PUK. Both leading parties recognized that the Change list was a PUK breakaway and would eat into the PUK voting base. Equally important, the KDP could no longer afford to accept an equal share of seats won in its partnership with the PUK because a future alliance between the Change list and the PUK is possible.

Although the exact split of the Kurdistan-list seats is not yet known, the division is unlikely to be equal and may even favor the KDP by two to one. The KDP is in a delicate situation, since even if the split is uneven, the KDP is likely to hold less than a fifty-six-seat parliamentary majority on its own, requiring it to marshal the support of the PUK or smaller parties, or to reduce parliament's significance as a legislative arm.

Presidential Contest

KDP leader Masoud Barzani was reelected as KRG president with 70 percent of the vote. A key pending issue -- now particularly crucial, since KDP control of parliament is not guaranteed -- is how the powers of the KRG presidency will be defined by the draft constitution. In its current form, the draft KRG constitution would allow the president to dissolve the KRG legislature, make the president the commander-in-chief of the Kurdistan Regional Guard (around forty-six thousand peshmerga militiamen retained by the KRG), empower the president to ratify and veto legislation, and enable the president to remove ministers and issue decrees that carry the force of law.

Two attempts to pass the draft constitution have failed. The parliament ratified the draft on June 24, but that particular session was of dubious legality, coming twenty days after the legal end of the parliament's term. Then a planned confirmation by popular referendum (coinciding with the July 25 elections) was blocked by IHEC. To be credible, a new constitution would need a very high level of endorsement. The Change list has made it clear that it supports a parliamentary system of governance, not a presidential one. If supported by PUK legislators (and particularly Barham Saleh if he is made prime minister), the legislature could probably deny the draft enough votes to force a revision of the president's powers. This could be the first test of the new power balance.

Federal-Kurdish Relations

The period after the Iraqi national elections in January 2010 will likely represent an opportunity for federal-KRG dealmaking, and the KRG is likely to be a willing negotiating partner. The Kurds will bring 50 or more seats to the 275-seat Iraqi national parliament, likely becoming one of the largest blocs. Prime Minister Nouri al-Maliki and

other potential suitors will try to court the Kurds wholesale or individually, perhaps seeking to draw in the Change list and/or the PUK as members of a "unity government." The period after national elections may be ripe for movement on federal-KRG issues. Al-Maliki's August 2 trip to Iraqi Kurdistan -- his first ever since becoming prime minister -- is further indication that political suitors are keen to make deals with the Kurdish blocs.

The election results bring mixed indicators concerning the ability of the KRG to seize the moment and enter into new political bargains during national government formation in early 2010. While KRG president Masoud Barzani remains in charge and may continue his confrontational approach to Baghdad, a prime-ministerial appointment for Barham Salih would bolster the KRG's understanding of and influence within the federal government. Kurdish leaders across the disputed territories would hear a more balanced message coming from Erbil, urging caution as well as steadfastness.

Policy Implications

The United States should recognize the partial opening of the KRG's political system but must remain vigilant in watching the region's politics. The United States has two incentives to stay engaged with the KRG. Rapprochement between Baghdad and the KRG is a vital pillar of U.S. strategy in Iraq, as shown by the July 28 visit to Erbil by U.S. secretary of defense Robert Gates and Multinational Force - Iraq commander Gen. Ray Odierno. Equally important, democracy in Iraqi Kurdistan is worth supporting for its own sake, since a parliamentary system would put the KRG back in the top tier of Middle East democracies. Moreover, the strongly presidential system outlined in the draft constitution would be little more than a velvet-gloved dictatorship.

The Obama administration can use its voice -- still the loudest of all the KRG's foreign partners -- to support the incoming KRG parliament and prime minister. The political parties of the KRG, and politicians such as Barham Salih, need the vocal support of the United States if parliamentary democracy is to grow in Iraqi Kurdistan. For all the faults of KRG politics, popularly elected Kurdish parliamentarians are far more accountable to voters than is the KRG presidency, which is a one-horse race. The KRG parliament should block any constitution that overreaches in terms of territorial claims or undermines the very real steps toward true democracy accomplished by the recent KRG election.

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