

Provincial Elections Kick Off Iraq's Year of Choices

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Brief Analysis

This week, after more than a year of anticipation, most of Iraq's governorates will hold provincial elections. The election process and its outcome will provide a strong indication of whether Iraq's democracy will continue to consolidate or begin to unravel. More worrisome than the elections, however, may be the frustrated expectations among Iraq's 400-plus registered political entities and their supporters when the results are finally announced.

Background

At stake is the top level of local governance in the country: the 440 provincial council seats in fourteen of Iraq's eighteen governorates. On Wednesday, January 28, nearly 600,000 members of Iraq's security services (along with prisoners and hospital patients) will cast the first ballots. Three days later, on January 31, the rest of the votes will be cast.

As with all major elections, preparation is critical, especially in post-conflict societies. In the run-up to the 2005 combined parliamentary and local elections, the Iraqi Higher Election Commission (IHEC) had a full eight months to prepare and used a legal framework that had existed since April 2004. The limited number of participants simplified party registration, and the preexisting UN food distribution list was the basis for voter registration.

For these elections, the situation is very different. The Iraqi parliament just passed the new electoral law at the end of September, and it was not officially published until mid-October. The voter registration process had to be reopened twice, and ultimately the electoral commission decided to allow anyone over the age of eighteen to vote, rather than just the 4.6 million who registered early. Despite the time compression, the IHEC has done amazingly well under the circumstances, claiming that it is prepared with sufficient ballots even if all of the more than 17 million potential voters show up. Security and cross-party observation of the voting centers should be adequate, although the commission may have underemphasized the need to insure the accuracy of the vote-counting process.

Who Is Competing?

Many would-be local politicians have waited a long time for the provincial elections, and competition for seats is fierce. In some areas -- notably the predominantly Sunni Arab communities that boycotted the last provincial elections -- a host of new actors have entered the political fray. More than three quarters of the 400-plus parties and individual candidates registered by the IHEC did not exist at the time of the 2005 elections. A large number of individual candidates, perhaps 125, are registered at the local level (the majority of them in Baghdad), confident that they can compete on the strength of their local reputations alone.

Some of the new actors are merely preexisting factions with reformulated coalitions or altered branding. Most significantly, in contrast to the sectarian nature of the 2005 election, only 20 out of the more than 400 lists emphasize their Islamist character. Prime Minister Nouri al-Maliki, the leader of the Islamist Dawa Party, heads a slate called "The State of Law." Geographic and regional descriptors are also popular. By far the most featured characteristic, however, are variations on the word "independent," which is prominently featured in the names of

seventy-one lists. Nationalist terms -- variants on "Iraq" or "Iraqi" -- appear sixty-nine times.

These trends would seem to confirm what others have reported anecdotally: Iraqi voters would like an alternative to narrowly defined religious parties that are perceived to have underperformed in governance. Yet, even if voters want an alternative to such parties, it is questionable whether such an alternative genuinely exists. First, many of the purportedly "nationalist" or "independent" alternatives are simply rebranded Islamist parties that may provide more of the same if elected (much as Hamas ran as "Change and Reform" during the 2006 Palestinian Legislative Council elections but delivered conservative Islamist governance). Second, the shape and complexity of the electoral system will probably benefit larger, better-organized parties like the Islamic Supreme Council of Iraq (ISCI).

Large Parties, Smaller Councils

Iraq's provincial elections will be proportional in nature. Each provincial council will comprise twenty-five seats plus one additional seat per 200,000 people in the governorate. The threshold for winning a seat on a council is the "electoral divider": the total number of valid votes divided by the number of seats. Thus, if 600,000 valid votes are cast for thirty seats, the electoral divider is 20,000 votes per seat. Votes for any party or individual failing to achieve this threshold within the province would be redistributed among the lists that did cross the threshold. Many Iraqis will therefore fear that they may "waste" their vote or, worse yet, that their ballot may benefit larger electoral rivals.

This modified system will favor established lists with name recognition. Upon entering the voting booth, a voter will be able to choose either a party list or an individual candidate on a list. If the voter chooses an individual candidate, however, the new Iraqi ballot requires that he or she also choose the list to which the candidate belongs. According to the electoral commission, if the voter does not check both, the ballot will be considered invalid. Since this system could cause confusion among voters, many wavering or undecided Iraqis may take the easy option of simply selecting a recognizable list.

Another important factor is the smaller size of the provincial councils. Prior to the new electoral law, councils consisted of forty-one members. Following these provincial elections, the average number of council members in thirteen out of the fourteen provinces will be thirty (Baghdad's council will number fifty-seven). This has two consequences. First, there will be, by definition, less possibility for broad representation. With fewer seats available, fewer factions will be represented, which may result in parallel unofficial advisory councils being set up alongside the executive provincial councils. Second, and more interesting, many current incumbents will be unseated. Even if no new candidates succeed, sixteen incumbents in each governorate on average will lose their seats, plus the many perks of serving on a provincial council. In a status-conscious society where saving face is the norm, it is not at all clear how this will be handled within local communities.

Conclusion

The provincial polls are likely to provide a good case study of what happens when an electoral process in an unstable country receives insufficient attention and support from the international community. Despite the seemingly adequate preparation of the IHEC to conduct the upcoming elections, the complexity of the electoral system may surprise many of the contestants when results trickle out days, weeks, or even months later. Many neophyte Iraqi politicians have been campaigning tirelessly to get a seat in their provincial council, believing that they will win. Many voters want to see new faces in those councils. If they do not get what they want, for the myriad reasons listed above, their frustration may lead them to question the fairness of results, with implications for Iraq's subsequent elections in 2009.

Looking forward, the Obama administration should support a stronger role for the United Nations Assistance Mission in Iraq in forthcoming district and subdistrict elections, which must take place within six months. These competitions can absorb many of the candidates who failed to win a provincial council seat; indeed, district-level politics are a good starting place for aspirant "independent" politicians with strong local connections. In the longer term, the international community needs to incorporate the lessons of these provincial polls into the drafting of a new permanent provincial elections law (to replace the current one-time law), a Kirkuk special elections law, a campaign financing law, and international support to the national elections scheduled for December 31, 2009.

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