

Kirkuk Derails Iraq's Election Law

by [Nazar Janabi \(/experts/nazar-janabi\)](#)

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ABOUT THE AUTHORS



[Nazar Janabi \(/experts/nazar-janabi\)](#)

Nazar Janabi is a Next Generation fellow at The Washington Institute.



Brief Analysis

On August 7, the Iraqi parliament went on summer recess after failing to pass a critical election law, delaying the country's provincial elections until sometime next year. The failure comes after the parliament successfully passed the law on July 22, only to be vetoed by the Iraqi Presidency Council in less than thirty-six hours. The core dispute involves the oil-rich Kirkuk province, which is currently witnessing an alarming escalation of demonstrations and politically motivated attacks. This forced Iraqi prime minister Nouri al-Maliki to send his defense minister and an Iraqi brigade to the region in an attempt to deter further problems. As a result of Baghdad's political squabbling, the desperately needed provincial elections may seem unattainable.

Previous Provincial Elections

Many Iraqis boycotted the 2005 provincial elections because they thought the Kurdish- and Shiite-dominated government was illegitimate and exclusionary. These sentiments were exacerbated by various factors, including calls from al-Qaeda in Iraq and the Association of Muslim Scholars to boycott the election in Sunni areas. In addition, renegade Shiite cleric Muqtada al-Sadr called on his followers not to participate. All this led to a serious disenfranchisement of key Iraqi groups.

The result was disproportionate representation at the local level. In Anbar province -- a region with over a million residents -- the Iraqi Islamic Party (IIP) came to dominate the provincial council based on 3,775 ballots. The same is true for the historically Arab Mosul, where thirty-six out of the forty-five members of the provincial council are Kurdish. Diyala, a predominately Sunni province, was also similarly affected when low participation resulted in the election of a Shiite governor and Shiite-dominated council.

Debate over Kirkuk

Iraq's delicate political balance is based on a coalition of historically oppressed people. Shiites and Kurds, who suffered the most during Saddam Hussein's rule, have forged a strong alliance that has withstood major political storms for the past five years. The core of this alliance is made up of two Kurdish Parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), with about fifty-eight seats, and a Shiite one, Islamic Supreme Council of Iraq (ISCI), with eighty-three seats. Consequently, this alliance represents roughly half of Iraq's 275 lawmakers. It was no coincidence that two out of the three members of the presidency council -- Iraqi president

Jalal Talabani, a Kurdish PUK member, and Vice President Adil Abdulmahdi, a Shiite ISCI member -- vetoed the law, while Vice President Tariq al-Hashimi, a Sunni IIP member, left for Turkey without comment a day after the veto.

Kirkuk, however, is a contentious issue for all Iraqi factions. Whenever it surfaces, ISCI's support for Kurdish claims becomes shaky, with mass desertions from the party's official position. On the July 22 session of the parliament, for example, parliamentary speaker Mahmoud al-Mashhadani decided the vote on article twenty-four of the provincial elections law -- a provision that detailed a three-way split of Kirkuk's governing council seats between Kurds, Arabs, and Turkmen (32 percent of each and 4 percent for Christians) -- would be through secret ballot.

When they recognized that the Arabs would not vote in their favor, Kurdish lawmakers left the session in an attempt to break the quorum. With 140 members remaining -- still enough for a quorum -- 127 voted in favor of the provincial elections law. This indicated that Arab lawmakers, once liberated from party guidelines, would always vote against any attempt to add Kirkuk to the Kurdish region, demonstrating how Arab nationalism always prevails over party politics.

Immediately after the session, al-Mashhadani's two deputies (a Kurd and a Shiite) publicly criticized his "procedural breach" at a press conference and described the voting process as unconstitutional. Massoud Barzani, president of the Kurdish Regional Government (KRG), stated that the vote was "conspiracy," following extensive negotiations in Baghdad. This indicates both the deep Kurdish dissatisfaction with the way the session was handled and the inflexibility shown by the Arabs.

Kurdish claims in Kirkuk are becoming widely unpopular among Sunnis and Shiites, making it increasingly risky for Abdulaziz al-Hakim, leader of ISCI, to continue supporting these claims. Adding to the pressure was the recent announcement that Shiite clerics in Najaf would not endorse any political entity. It should be noted that the endorsement of Grand Ayatollah Ali Hussein al-Sistani, the most revered Shiite cleric in Iraq, played an instrumental role in ISCI's win in the 2005 elections.

Staffan de Mistura, head of the UN Assistance Mission to Iraq (UNAMI), presented a compromise proposal that allowed the passage of the election law while delaying the Kirkuk issue for another six months. The proposal, however, failed to bring parties together, and the vote was delayed till after the summer recess. At least for the time being, UNAMI is positioned to be a reasonably appealing broker to all parties, so support for further engagement in the negotiation process would likely expedite a deal. There are also some unconfirmed reports that the United States is trying to pressure the Kurds into accepting a power-sharing deal in Kirkuk, but there is very little evidence supporting these reports and less evidence showing their effectiveness.

Dangerous Crossroads

Kirkuk will remain an inflammatory issue for some time to come. Any lasting solution needs to incorporate Kurdish aspirations and history, while also assuring the Arabs that Kirkuk will stay an integral part of Iraq. Since many Iraqi Arabs think the Kurds will seek independence once they take control of the city, it is important that Kurdish politicians assure Arabs of their intentions. Insisting that Kirkuk be a part of the KRG will further escalate anti-Kurdish sentiments and may lead to confrontation that will send the still-recovering country into a new spiral of ethnic violence.

The delay in provincial elections is extremely detrimental to the credibility of the political process. It could push the already impatient and disfranchised factions back into violence if they do not see hope in being part of the political process. Iraqi lawmakers must make decisions with the best interests of the country in mind, not the narrow party goals that fail to include other factions. Ultimately, this approach will guarantee lasting security and prosperity for Iraq.

It is essential to remedy the country's factional imbalance as a first step in putting the Iraqi political process on the

right track. This will provide a new environment for local and provincial leaders to emerge, and will allow already visible politicians to assume a formal role at either the local or national level.

Nazar Janabi is a Next Generation fellow at The Washington Institute, focusing on Iraqi and Middle Eastern security issues and democratization in the region. ❖

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