

The 2009 Iraqi Provincial Elections

By **Doreen Khoury**

On January 31st 2009, Iraqis held their second provincial elections since the fall of the Baathist regime in 2003. The results signaled widespread support for secular and nationalist forces and serious electoral losses for the religious federalist parties, who had been accused of mass corruption and mismanagement. Significantly, Sunni Arabs for the first time actively participated in the elections, thus reversing the disproportionate results of their boycott in 2005.

The 2009 provincial elections were a major boost for Prime Minister Nouri Maliki, whose Rule of Law Coalition running on a nationalist platform, won majorities in most provinces which greatly strengthened his position vis-à-vis his Shiite rivals. The provincial elections also indicate a major shift towards inter-sectarian competition, as well as a re-drawing of the inter-sectarian balance of power.



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On January 31, 2009, 14 out of 18 Iraqi provinces held their second provincial elections since the fall of the Baathist Regime in 2003. Provincial elections in 2005 yielded strong support for sectarian and ethnically based parties that prefigured the escalation of tensions and violence in the following three years. Likewise, a widespread Sunni Arab boycott led to poorly balanced and non-representative provincial bodies that reflected the general marginalization of the community in the postwar state-building process and contributed to the rise of sectarian violence and the Islamist insurgency. Besides violence, the rule of the sectarian parties also inflicted mismanagement, corruption and nepotism on Iraqi citizens. The result has been an overall decline in the popular appeal for these parties and particularistic approaches in general, and rising support for the central government in Baghdad and its attempts at strengthening the sway of the Iraqi state.

The provincial elections of 2009 seem to confirm this shift in the political landscape, with Prime Minister Nouri al Maliki and his Da'wa Party – based in Shia community, but recently promoting a nationalist discourse and alliance strategy – coming out on top. Thus, the Maliki-backed "Rule of Law" list won key provinces such as Baghdad and Basra, with smaller secular groups also gaining ground, while the Islamic Supreme Council of Iraqi (ISCI), the biggest Shiite party in Parliament and the Sadrist Movement led by radical Shiite cleric Muqtada al Sadr experienced serious setback, as did the Iraqi Islamic Party (the largest Sunni party in parliament). Maliki's success also signifies the decline of the federalist project among *Arab* Iraqis (elections in the predominantly Kurdish provinces will be held in May), which is advocated by ISCI and the Basra-based Fadhila Party, in addition to the two parties forming the Kurdistan Alliance.

It is important to note that the election results not only indicate a move away from sectarian-based politics, but also that Iraqi citizens decided to punish bad governance at the polls, which will also force the incoming councils to conduct themselves with some transparency and accountability. Impressively – given the quantity

and intensity of sectarian and ethnic mayhem over the past three years -, Iraqis are not prepared to grant *carte blanche* to politicians whose main (or sole) pitch is "defense" of their ethno-sectarian community. Significantly also, these elections were held with minimum support from the US-led coalition forces and proved that Iraqis are able to organize nation-wide elections by themselves, and be responsible for their own security.

The following report summarizes the main features of the 2009 elections, concentrating on the main political parties, the conduct of the electoral process, and attempts to offer a preliminary evaluation of the results and their impact on Iraq. Its sources are mostly local Iraqi newspapers and TV stations, reports by local Iraqi NGOs, and the website of the Independent Higher Electoral Commission of Iraq (IHEC), as well as key reports by Western based think tanks and Western newspapers. We should note that the IHEC has only released preliminary results, and seats in the new provincial councils will not be allocated until the final results are in. A comprehensive background analysis for the elections, and of the performance of the former provincial councils is available from the International Crisis Group's latest report on Iraq.¹ The report contains a substantial analysis of the performance of the former provincial councils.

The 2008 Provincial Elections Law ²

The 2008 Provincial Elections Law changed the electoral system from a closed list specifying a particular candidate or (2) select both a list and a candidate running on the list, (3) vote from one candidate only, or (4) vote for a candidate running for a minority seat.³ Parties are represented in the provincial council according to the percentage of votes they get, but seats are allocated to the candidates with the highest number of votes (and

¹ ICG, *Iraq's Provincial Elections: The Stakes*, Middle East Report 82, January 27, 2009;

<http://www.crisisgroup.org/home/index.cfm?id=5883&l=1>.

² See www.ihec.iq, website of the Independent Higher Electoral Commission of Iraq.

³ Applies to Ninewa, Baghdad and Basra only.

not according to their position on the party list). This system favors mostly big parties and popular candidates in lists.⁴ A total of 14,431 candidates competed for 440 seats, with the law stipulating that every 3rd seat on an electoral list has to go to a female candidate. However, the number of seats actually allocated to women after the elections remains to be seen. Significantly, the election law contains some prohibitions on the use of religious symbols in electoral campaigns. Although over 400 parties competed for 444 seats, the electoral battle mostly took the form of inter-confessional competition between the main Shiite parties (ISCI, the Da'wa party and the Sadrist Movement) and the Sunni groups (the Iraqi Islamic Party, the Awakening Councils, and other smaller groups), as well as electoral competition between Arab and Kurdish parties in some provinces.

The Independent Higher Electoral Commission

The Provincial Elections were organized by the Independent Higher Electoral Commission (IHEC) in coordination with the UNHCR, which assisted the IHEC in organizing elections for the approximately 2.8 million internally displaced Iraqis. Regional directors were trained by the United Nations Assistance Mission to Iraq (UNAMI) in 2008. IHEC has a generally positive reputation amongst most Iraqi political parties. However, as noted below, many administrative irregularities as well as biased behavior by some IHEC officials were reported by local election monitors and newspapers.

The Main Players

The 2009 Iraqi provincial elections demonstrate the growing fissures within the United Iraqi Alliance, the Shiite block (consisting mainly of the Islamic Supreme Council of Iraq, the Da'wa Party, the Sadrist Movement and the Fadhila Party) which won the 2005 parliamentary elections and

⁴ This was indeed the trend for all provinces in this election, with Karbala province being the noted exception (see below).

forms one of the essential pillars of the current government coalition. Not surprisingly, in 2009 all parties ran independently and actively competed against each other for control over the main provinces. One of the main sources of contention has been Prime Minister Nouri Maliki's opposition to an increased federalization of Iraq, which ISCI and Fadhila support alongside the Kurdish parties. Consequently, tensions have also been growing between Maliki and his Kurdish partners in the governing coalition, who accused him and the central government of "dictatorship" and threatened to withdraw their confidence. Maliki in turn accused the Kurds of overstepping the constitution.⁵

It appears reasonable to assume that such high-level contention contributed to his successes among Arab Iraqis fearing for the unity of the country, and in particular among Arab Sunnis, for whom federalization is anathema. His move against the Mahdi Army in Sadr City in 2008 further bolstered his popularity amongst Sunnis, while the arrest of some leaders of the Awakening Councils (Sunni tribal councils set up to combat Al Qaeda) assuaged Shiite concerns of Sunni resurgence. Maliki further capitalized on the signature of the US-Iraq Status of Forces Agreement (SOFA) – where, for the first time, a definite date for the withdrawal of all foreign forces (end of 2011) is specified –, the improvement of the security situation and his advocacy of strong central government to present himself as a *national* leader capable of holding the country together and restoring the integrity of its institutions – as the name of his electoral list aptly suggests.

Consequently, the Rule of Law Coalition mainly used his image for much of their campaigning – and, unlike ISCI, did not use religion in its election campaigning, but concentrated on basic services such as water and electricity⁶ -, effectively

⁵ "Maliki's progress signals a move away from religious identity", *Al Hayat Newspaper*, Feb 2nd 2009;

http://www.daralhayat.com/arab_news/levant_news/02-2009/Article-20090205-47d8a8c1-c0a8-10ed-016d-304646bff25e/story.html

⁶ "Da'wa transforms from a party calling for an Islamic state... to a more secular order." *Al Sharq al Awsat*

rendering the ballot a referendum on his tenure.⁷ This strategy, while daring, appears to have paid off, providing Maliki with crucial momentum and legitimacy in terms of strengthening the central government and a base of local politicians and parties willing to support the idea of a strong central government against increased federalization.⁸ Maliki's list won big majorities in Baghdad and Basra, and got the highest percentage of votes in Dhi Qar, Qaddisiyah, Maysan, Muthana, Babel, Najaf, Wasit, and Diwaniyeh. In Ninewa, the Maliki backed Al Hadbaa List also won a big majority. Besides the appeal of his electoral platform, Maliki's strategic placement of Da'wa Party officials in government institutions, his influence over the Shiite Tribal Support Councils (the *Isnaad* Councils, set up as a kind of "bring out vote" effort by some tribal leaders for Maliki⁹) and his direct control over two units of the Iraqi Security Forces (ISF) doubtlessly also helped to boost the result.

A shift in the inter-Shiite balance of power?

Conversely, Maliki's rivals in the Shiite camp received a sound beating at the polls. The Islamic Supreme Council of Iraq (formerly SCIRI – the Supreme Council of the Islamic Revolution in Iraq) led by the cleric Abdel Aziz al Hakim, is currently the largest party in parliament. It is viewed by many as an Iranian proxy, and is affiliated to the Badr Organization (originally part of the Iranian Revolutionary Guard) which has considerable influence in the Iraqi Security Forces (ISF). ISCI favors the creation of a 9-province Shiite federal state in South Iraq, thus giving Shiites control over most of Iraq's oil reserves. However, ISCI's federalist agenda has been severely weakened by its poor performance the provincial elections, where it lost control over all councils which it previously controlled, most significantly in Basra and Baghdad, where most likely it will only be able

Newspaper, January 11th, 2009;
<http://www.asharqalawsat.com/details.asp?section=4&article=503304&issueno=11009>

⁷ *ibid.*,

⁸ *ibid.*

⁹ ICG, *Iraq's Provincial Elections: The Stakes*, Middle East Report 82, January 27, 2009;

to retain a handful of seats. ISCI's loss is mainly due to the fact that it is widely perceived by Iraqis as having failed to govern well in the provinces, as well as being accused of mass corruption and inciting violence. Another revealing electoral casualty was the Fadhila (Virtue) Party which was trounced in its stronghold, Basra, with only 3.2% of the vote compared to just under half the votes in 2005. The party, led by Mohammad al Yacoubi, advocates a small Shiite federation of three Southern provinces, Basra, Dhiqar and Misan, and has a small militia. The former Basra governor, who was from Fadhila, was also accused of mismanagement and oil smuggling.

Maliki's other main rival in the Shia camp, the Sadrist Movement led by cleric Muqtada Sadr, also performed poorly, losing ground in all key provinces, and in most cases was relegated to third place behind Da'wa and ISCI. The Sadrists, as a militia, were banned from running for elections but pro-Sadrist lists did compete in the provincial elections. There was also a surprising result in the Karbala province, where ISCI was reduced to only 6.4% of the vote – after winning 21 out of 41 council seats in 2005 – while independent candidate Youssef Haboubi – a secular former Baathist with a reputation as an efficient and integer administrator under the ancient regime - won the highest percentage of votes, once more to confirm the growing importance of performance over identity politics.

The main Sunni factions

The mass boycott by Sunni Arabs of the 2005 provincial elections produced imbalanced councils especially in provinces where Sunnis are the majority. This (party self-inflicted) absence of representation engendered feelings of disenfranchisement and exclusion in the Sunni Arab community which helped fuel the insurgency. For example in Ninewah (capital: Mosul), which is mostly Sunni Arab, the boycott led to disproportionate successes for Kurdish parties and other communities. The situation was even more serious in Anbar (where the overwhelming majority is Sunni Arab), where less than 1% of eligible voters went to the polls. The Iraqi Islamic

Party (IIP, affiliated with the Muslim Brotherhood) as the only Sunni Arab party not to boycott was the main benefactor and ran virtually unopposed in the 2005 provincial elections. However, the IIP has been accused of corruption and mismanagement, and its electoral alliance, the Accord (Tawafuq) Front was plagued with disagreements and splits prior to the elections. It has also been greatly weakened by the rise of Awakening Councils which expelled most of Al Qaeda from Anbar. The Awakening Councils were set up by local Sunni tribes to fight Al Qaeda, which was seen as foreign domination over Iraqi Sunnis, and were initially heavily funded by the United States. However, the Awakening Councils failed to create unified electoral lists and instead split up along tribe-based lines. Maliki also arrested several Awakening leaders in mixed provinces where Shiite parties were competing against awakening councils.

Thus, both groups did not perform particularly well in the 2009 provincial elections. The IIP managed to win the most votes in Diyala and Salaheddine provinces, but was followed closely by other parties which, if allied together, could form majorities in the councils. Significantly, in the two major Sunni Arab provinces, Ninewah and Anbar, it lost ground to moderate secular forces. In Ninewah, the Hadbaa List led by Atheel al Najafi and backed by Maliki, garnered half the votes, while in Anbar, the Iraqi Project Gathering led by moderate Sunni leader Saleh al Muttlag managed to gain a majority. Significantly, the Awakening Councils' best results were in Anbar Province where they won 17.1% of the vote, and their leader Ahmed Abu Risha has indicated that he is willing to form an alliance with Muttlag's List against the IIP. Anbar's elections were marred with allegations of vote-rigging, as Abu Risha, head of the Anbar Awakening Movement, accused the Iraqi Islamic Party of vote-rigging and demanded a recount of some of the ballots. IIP loyalists allegedly filled out blank ballots for registered voters and who did not vote and cast

them in ballot boxes.¹⁰ Tribal leaders of the awakening councils also threatened to bear arms against the government and the IHEC if they do not act against the IIP's alleged vote-rigging. Abu Risha has threatened to transform the Awakening Council from a "political entity to an armed wing against the Electoral Commission and the Iraqi Islamic Party".¹¹ The IHEC is currently investigating these allegations, which could change the outcome of the election in Anbar.¹²

Election Monitoring and Electoral Infractions

Several local Iraqi NGOs monitored the 2009 provincial elections, with observers deployed in all Iraqi regions. The main organizations that monitored the elections were the Iraqi Ein Network,¹³ the Shams network, the Tammuz Network,¹⁴ the Hammurabi Network, the Humam Network,¹⁵ the Iraqi National Centre for Human Rights Studies and Democratic Development, and the Women's Human Rights Centre. Other local NGOs which produced reports were the Journalist Freedom Observatory¹⁶, and the Monitor of Rights and Constitutional Freedom (MRFc).¹⁷ These organizations released preliminary reports in the first week following the elections, with detailed final reports to follow soon, and are largely in agreement over the extent and quality of violations that occurred.

The major complaints that arose during the voting process were serious discrepancies in many voters' registers. This was observed nationwide.

¹⁰ Leila Fadel, "With tension rising, Iraq will recount ballots in Anbar." *Mcclatchy*, February 4th 2009;

<http://www.mcclatchydc.com/world/story/61484.html>
¹¹ "Awakening Council leaders threaten to bear arms over electoral fraud." *Aswat Iraq Newspaper*, February 2nd 2009;

<http://ar.aswataliraq.info/?p=125235>
¹² Ahmad Rashid, "Iraqi electoral fraud: from mere allegations to reality." *Middle East Online*, February 4th, 2009;

<http://www.middle-east-online.com/iraq/?id=73439=73439&format=0>
¹³ www.iraqiein.org

¹⁴ www.tammuz.net

¹⁵ "Humam Network: Overall conduct of elections acceptable." *Aswat Iraq Newspaper*, February 1st 2009;

<http://ar.aswataliraq.info/?p=125012>

¹⁶ <http://www.jfoiraq.org/>

¹⁷ www.iraqimrfc.org

Many voters' names were missing from registers in polling stations, thus preventing them from voting, despite the fact that their names had been present during the last election. To what extent this will pose a problem to the integrity of the elections results remains to be seen. For example in Ninevah, according to Yasser Abdul Razzaq of the Shams Network, 15% of voters who went to vote were turned away from polling stations because their names were not in the register.¹⁸ Concerning the nearly three million Iraqis displaced inside the country, already the registration process itself turned out to be a serious hurdle. IDPs unable to reach their place of original registration had to go through a special process of updating their records in order to vote at specific polling stations; despite a public awareness campaign launched by IHEC prior to the elections, only approximately 63,000 managed to do so, and even many of those are said to have been turned away at the polls. In the Diyala province, for example there were claims that many Shiite and Kurdish displaced voters were not correctly registered and thus unable to vote, and the Kurdistan Alliance accused the IHEC of depriving 16,000 Kurdish families of their voting rights. Many voters were also unable to vote because many polling centers were far from residential areas, with a vehicle curfew was in a place from the day before. The relatively low voter turnout (51%) might be partly attributed to these infractions.

Local monitors also observed campaign posters within the close vicinity of many polling centers, while mosques were used to campaign for parties through their loudspeakers (the Electoral Law bans campaigning on Election Day). Voting secrecy was observed in most polling stations and voters did not experience pressure or threats from party agents. Most importantly, militias and armed persons were not observed outside most polling centers. However, cases of group or family voting, with one person casting ballots on behalf of his family or tribe were observed, as well as voters entering polling booths and marking their ballots

¹⁸ "Ninewah electoral commission receives 45 electoral complaints." *Aswat Iraq Newspaper*, February 4th 2009; <http://ar.aswatiraq.info/?p=125536>

at the same time. Moreover a number of polling station officials did not act in a neutral manner and actively campaigned for certain factions. Campaigning by security officers and IHEC officials was also observed. Candidates and political factions were also criticized for using public funds in their election campaigns. The Journalistic Freedoms Observatory (<http://www.ifoiraq.org/>), an Iraqi NGO specialized in monitoring violations against journalists, issued a press statement on January 31st indicating that during the three days prior to the elections, the Iraqi media experienced 75 incidents of harassment and detention from Iraqi army and police officers. The JFO also reported some incidents of U.S. army forces harassing journalists and inhibiting their movements.

What can be surmised from these reports is that although violations did occur, and although discrepancies in voters' registers and the obstacles for IDP voting prevented thousands of Iraqis from voting, those violations by and large do not amount to organized fraud or vote-rigging.

Prior to the election, Iraqi local newspapers printed several articles documenting many incidents of bribery and vote-buying. The reports were based on interviews with Iraqis mainly in Baghdad, but also other provinces. Bribes apparently took the form of blankets, food, household goods, refrigerators, clothes, restaurant coupons, diaries, mobile phone cards and money. In return, citizens were asked to swear on the Koran that they would vote for the particular party or list (party agents also photographed the delivery of the bribe and the Koran oath).¹⁹ While such practices constitute serious infractions, it should be noted that they are notoriously difficult to verify and document, for local election observers and the electoral commission alike.

¹⁹ "Iraqi elections: sectarian politicians increase corruption and bribery." *Middle East Online*, January 25th 2009; <http://www.middle-east-online.com/iraq/?id=73006=73006&format=0> Also see: Sabah Hassem, "Campaign corruption increases citizens' fears: vote-buying is evidence of evasion and political bankruptcy." *Al Anbaa*, January 29th 2009; <http://www.annabaa.org/nbanews/72/814.htm>

Evaluation

Shift from sectarian rhetoric to national platforms

As noted above, many local analysts are interpreting the results as an indication that sectarian tensions have subsided in Iraq, as voters have mostly rejected the hard line rhetoric of Islamist parties who have largely failed to meet the aspirations of Iraqi citizens.²⁰ The result “is not a backlash against religion but a backlash against the promises made on the basis of sectarian identity.”²¹ Conversely, the agenda of strengthening central control and the institutions of the Iraqi state and a national identity across ethno-sectarian cleavages represented by Prime Minister Nouri Al-Maliki seem to appeal to a great many Iraqis weary of the arbitrary power of local rulers and their militias. (Tripp) Near State collapse has driven home the value of the state for many. If continued in the parliamentary elections scheduled for late 2009, this trend may bode well for a more stable Iraq and the rehabilitation of its political system.

However, serious challenges remain. In the aftermath of the elections, the real test will be whether the losers will accept their losses and the authority of the winning coalitions. For example, Ghassan Attiyeh, director of the Iraqi Institute for Development and Democracy, reckons that ISCI might resort to violence in retaliation to its substantial losses.²² Support for a unified Iraq and the demise of federalist agendas may sound like good news in and by themselves, but are liable to spur ethnic sentiment about Kurdish Iraqis, who are loath to let go of the trappings of the semi-independent state they have established over the past two decades. Deepening tensions about the devolution of power between the various levels of power and the exact implementation of the relevant articles in the Iraqi constitution may derail the political process. In the worst case, Iraq may

return to the debilitating pattern of Baghdad-based governments trying but rarely succeeding to assert themselves by means of coercion against the separatist tendencies of their Kurdish citizens that has prevailed since the inception of the state. In the short run, Maliki’s successes may galvanize his opponents into forming a strong movement against him in the run-up for the parliamentary elections, possibly by forming a coalition of federalist parties, i.e. ISCI, Fadhila and the Kurdistan Alliance.²³ It should also be noted that the turnout was not particularly high (51%), and the losses suffered by Maliki’s opponents might mobilize a much higher turnout for the parliamentary elections.

Post-Election Challenges

The new councils also face daunting challenges in the coming months, the most immediate of which is to make good the Rule of Law Coalition’s electoral pledges to provide essential services to Iraqi citizens and to stamp out corruption, no mean feat for a country ranked as the third most corrupt in the world.²⁴ Moreover, Maliki, who will want to capitalize on his success in the provincial elections and gain similar results in the upcoming parliamentary elections (end of 2009), does not have much time to achieve discernible results in the councils where his coalition gained a majority. Iraqi citizens, who are by all accounts weary of the high level of corruption, no doubt expect rapid changes.

The incoming councils will mostly likely have to deal with provincial security officials loyal to the parties who controlled the former councils. For example in Ninewah, conflict between Kurds and Arabs may be looming. The Kurdistan Alliance, which overwhelmingly won the 2005 provincial elections (due to the Sunni Arab boycott), used its position to gain control of the security apparatus and push forward its own agenda. However, the

²⁰ “Analyst: Elections highlight the diminishing of sectarian tension.” *Aswat Iraq*, February 2nd 2009; <http://ar.aswataliraq.info/?p=125028>

²¹ Mohammad Abbas, “Maliki sets course for secular rule in Iraq.” *Middle East Online*, February 5th 2009;

<http://www.middle-east-online.com/?id=73494>

²² *ibid.*

²³ “Expert analysis: Iraqi elections are a sign of optimism.” *Al Sharq*, February 2nd 2009; http://www.al-sharq.com/PrintPage.aspx?xf=2009,February,article_200902_02_16&id=worldtoday&sid=arabworld

²⁴ Corruption Perceptions Index 2008; http://www.transparency.org/policy_research/surveys_indices/cpi/2008

winning list in 2009, the Sunni Hadbaa List, campaigned for the disbanding of Kurdish peshmergas in Ninewah.²⁵ The incoming council in Basra might also face problems with the provincial security forces which are controlled by ISCI, and the fact that the Fadhila party reputedly manages the oil industry in Basra.²⁶ Both parties suffered heavy losses in the elections, and will not be willing to relinquish positions that bolster their federalist agendas.

Iraqi Ownership of the Electoral Process

For all the administrative irregularities and the various shortcomings of the IHEC, the elections were run by Iraqis without any significant interference by the occupation forces. Most local newspapers and television stations expressed a certain pride in the relatively smooth electoral process, especially in terms of security. The success of the Iraqi army and police in maintaining security may make it easier for the new U.S. administration to push for a faster withdrawal from Iraq. However, the mere fact that such tight security had to be provided for the elections, with the Iraqi army and police out in full force - "elections held behind barbed wires" - is also a sobering fact for Iraqis and indicates that their democracy remains vulnerable.²⁷

²⁵ Sam Dagher, "Fractions in Iraq City as Kurds and Arabs Vie." October 27th 2009; http://www.nytimes.com/2008/10/28/world/middleeast/28mosul.html?_r=2&fta=y&pagewanted=all

²⁶ ICG, *Iraq's Provincial Elections: The Stakes*, Middle East Report 82, January 27, 2009;

<http://www.crisisgroup.org/home/index.cfm?id=5883&l=1>.

²⁷ "Expert analysis: Iraqi elections are a sign of optimism." *Al Sharq*, February 2nd 2009; http://www.al-sharq.com/PrintPage.aspx?xf=2009,February,article_200902_02_16&id=worldtoday&sid=arabworldld