



The parliamentary election in Iraq, March 2010

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The parliamentary election scheduled for 7 March 2010 was an important milestone in the development of the country's political system. This note looks at the controversies attending the run-up to the election, the provisional results and manoeuvring to form a governing majority.

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1 The 2005 election

The last legislative election in Iraq was held in January 2005.¹ It was held against a background of intense violence and instability, with as many as 200,000 fighters being members of the various militias. The election was boycotted by a number of leading Sunni politicians and this boycott was credited with contributing to the country’s slide towards a sectarian war.

Seats	Party name and background
140	United Iraqi Alliance – comprised of over 20 groupings, parties and movements, and said to have the backing of Iraq's most senior Shi'a cleric Ayatollah Ali Sistani. Won more than 47% of the vote, giving it a narrow majority in the new assembly.
75	Kurdish Alliance – around 80% of its candidates were drawn from the two main Kurdish parties, the Patriotic Union of Kurdistan, led by Jalal Talabani, and the Kurdish Democratic Party, led by Massoud Barzani. Won over 25% of the vote.
40	The Iraqi List – headed by former Prime Minister Ayad Allawi, and comprised of secular Shi'a politicians. Won just under 14%.
5	Iraqis List – headed by former President Ghazi al-Yawar, the list was drawn from a mix of Shiite and Sunni tribal leaders. ²

¹ For more information about the 2005 election, see Library Standard Note 3371, [Iraq: the National Assembly elections of 30 January 2005](#)

² Seat numbers correct after initial results revision, January 2005

The other 15 seats in the 275-member assembly were won by smaller parties. Clearly, with the Sunni boycott, Sunni representation in the outgoing parliament was minimal.

The chief UN election adviser, Carlos Valenzuela, congratulated those involved with organising the election, saying: "The elections were not perfect, they were never meant to be, but they were extremely successful."³ Toby Dodge of Queen Mary College, London, a British analyst who was critical the lack of security in Iraq, likened the election to "rearranging the Titanic deckchairs".⁴

2 The importance of the 2010 elections

US combat troops are due to withdraw from Iraq by the end of 2011. The parliament elected in January 2010 will have to lead the country through that time and into the new era of self-reliance. The withdrawal of troops (although there have been some equivocal comments from American commanders about certain troops remaining) will be a time of threats to the stability of the country.

The future of democracy in Iraq is widely accepted to be in the balance and this election will be an important test. Political forces within Iraq are jockeying for position, particularly over the new electoral law and candidate approvals, exacerbating existing sectarian divisions.⁵ The election has been deferred at least twice while arguments continued.

Iraq's divided society and weak political system leave it open to regional powers wanting to influence the elections. Iran's relationship with the Shi'a majority in Iraq is crucial to Iran's ambitions to be the dominant regional power in the Persian Gulf. Until the overthrow of Saddam Hussein Iraq was the major counter-balance to Iranian influence in the area. There are conflicting views as to whether Iran would prefer a strong pro-Iranian government in Iraq or would like to see a weak Iraq that will remain a problem for the US and its reputation in the region, and will present no opposition to Iran's own plans.

Turkey has a clear interest in the outcome of the election, not least given the importance of the Kurdish regions in both these countries. Like Turkey, Syria is very concerned with stability in Iraq, and the potential threat to it from intra-communal violence. Syria is home to over a million Iraqi refugees who fled the country after the 2003 invasion.

3 Violence

On 3 March 2010, just days before the election, a series of suicide bombs in Baquba, some 35 miles north of Baghdad, killed at least 32 people and injured at least 42. One of the bombers accompanied some casualties to the nearby hospital, where he detonated his explosives causing the highest number of deaths. Baquba is a mixed Sunni and Shi'a area that was the scene of serious violence from 2005 to 2007.

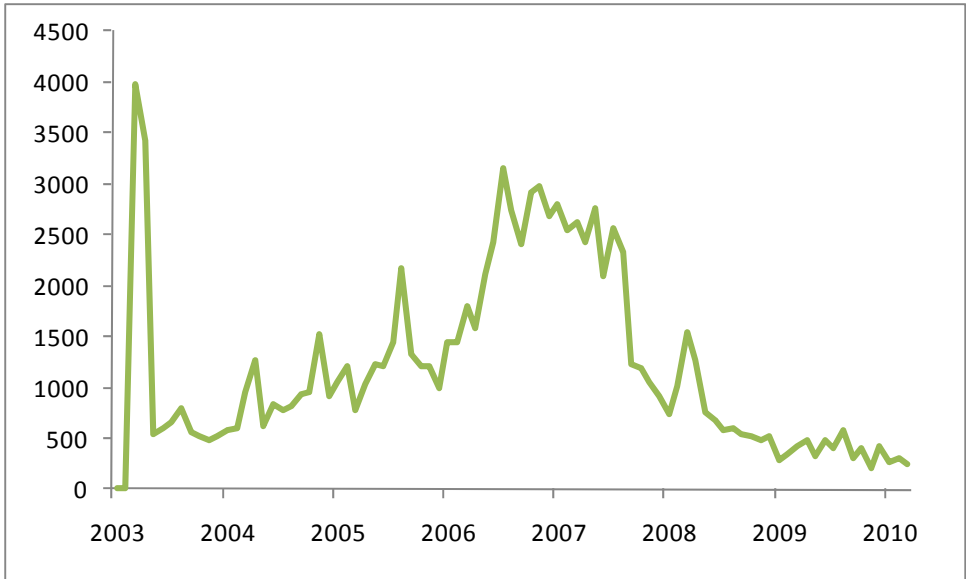
While Iraq in 2010 is nowhere near as unstable as it was in 2005, analysts are concerned that forces wishing to disrupt the political process have shown that they are still capable of mounting serious attacks.

³ 'Shi'a majority for Iraq parliament', *BBC News online*, 17 February 2005

⁴ "Just one more step on Iraq's long path", *BBC News online*, 25 January 2005,

⁵ For detailed information about the electoral law, including links to electoral regulations, see the UNAMI page [Preparations for the CoR elections 2010](#) and the [website of the Independent High Electoral Commission \(IHEC\)](#)

Data from the Iraq Body Count web site, which attempts to maintain a record of all violent civilian deaths since the invasion, shows rapid decline in violent deaths during 2007 and 2008, but the numbers levelling out in 2009 and beginning of 2010, as the following chart shows:



Source: [Iraq Body Count](#)

Another estimate had the number of violent deaths increasing from 196 in January to 352 in February, demonstrating the unreliable nature of these figures.⁶ There were attacks on polling stations in the run-up to the election, but Iraqi security forces have been actively preparing to protect the election process.

In any case, in the words of the New York Times, ‘Iraq remains horrifically violent’ and extremist groups and Iraq’s political disarray almost guarantee further carnage.⁷

4 Accountability and Justice Commission

After the overthrow of Saddam Hussein, one of the most controversial priorities of the US interim administration was to ban all former members of Saddam’s Baath Party from positions of political power in Iraq. The Higher National De-Ba’athification Commission (HNDBC) banned participation in the political process for anyone who had been a member of the Ba’ath Party. Critics alleged that mere membership of a governing party in a totalitarian state was insufficient grounds for banning someone from standing for election; that the HNDBC’s methods were opaque; and that it was being used to disable Sunni opposition and for settling old scores.

There was a prolonged battle between on one side secular and Sunni parties, supported by the US, who favoured thorough reform of the vetting process, and on the other the religious Shiite parties who broadly supported the existing system. On 12 January 2008, the Iraqi parliament passed the *Law of the Supreme National Commission for Accountability and*

⁶ ‘Former PM warns of violence if Iraqi election is fixed’, *Daily Telegraph*, 3 March 2010

⁷ ‘The ‘wanted dead’ option’, *New York Times*, 2 May 2010

Justice.⁸ The result was a victory for those who were resisting change. The legislation set up the Accountability and Justice Commission, but rather than a new organisation, this was simply the old HNDBC, renamed: it is led by Ahmed Chalabi, a Shiite politician who supplied incorrect intelligence to the United States which encouraged proponents of the invasion, and the executive chairman is Ali Faisal al-Lami, who was detained by the US authorities for some time during 2008, then returned to the new Commission. Al-Lami was suspected of involvement with violent groups linked to Iran.

The Commission has been criticised in the same way as the HNDBC: for its own lack of accountability, and for allegedly pursuing its own sectarian agenda and settling personal scores.

Not only is Iran suspected of influence in the decisions of the Commission, there is also what the International Crisis Group has called a 'glaring conflict of interest' in members of the Commission also being members of political coalitions that are themselves contesting the election.⁹ Chalabi and al-Lami are both members of the Iraqi National Alliance (INA), led by the Islamic Supreme Council of Iraq (ISCI), which is close to the radical Shi'a cleric, Muqtada al-Sadr. Both are standing for election.

It is often mentioned that in Iraq, unlike South Africa, the commission handling the transition to the new political system does not have reconciliation as part of its remit. In 2006, Prime Minister Maliki announced a reconciliation programme, including an amnesty for fighters who had not targeted civilians and repeal of the law prohibiting Baathists from minor public positions. The proposal was never realised.

5 The Commission's ruling barring candidates

The Accountability and Justice Commission issued a ruling in late 2009 banning 511 candidates from standing for election. Many of these were Sunni candidates, although a large number of secular Shi'a representatives were also prohibited from standing. The commission presented no evidence of any crimes committed by these candidates. Included among those banned was the Defence Minister Abdul-Kader Jassem al-Obeidi, former Baathist who turned against Saddam in the 1990s and was imprisoned by the regime. He is regarded to have been a loyal and effective defence minister. Also disqualified were Saleh al-Mutlaq and Dhafir al-Ani, candidates number 2 and 3 respectively on the Iraqiya list and two of Iraq's leading Sunni politicians. The Iraqiya coalition is a secular inter-confessional group led by Ayad Allawi, Shiite former prime minister, and is thought to be the most serious challenger to the current prime minister's State of Law coalition.

The ruling infuriated Sunni leaders, who are routinely associated with the Ba'ath Party in Shi'a political rhetoric and identify the influence of Iran in the decision of the Accountability and Justice Commission.

US and United Nations officials were clearly concerned at the developments as an upsurge in violence might derail plans for US withdrawal. In a sign of the importance attached to the crisis by the Obama Administration, the Vice President Joe Biden visited Baghdad to discuss it with Iraqi politicians. While the US is looked to as an arbiter in such disputes, officials are also concerned not to arouse hostility by appearing to exert too much foreign influence on

⁸ For more information about Iraq's accountability and justice system, see International Center for Transitional Justice Briefing Paper, *Iraq's New "Accountability and Justice" Law*, January 2010

⁹ Joost Hiltermann, 'Playing with fire in Iraq', *The National*, 28 January 2010

the process. Mr Biden said in Baghdad that he was not there to resolve the crisis as that was a matter for the Iraqis.

On 14 January, the Independent High Election Commission upheld almost all the bans. At the beginning of February, the appeal court ruled that the disqualifications would be postponed until after the election, meaning that the candidates could stand and have their cases reviewed individually afterwards. The government of Nuri al-Maliki reacted by declaring the ruling unconstitutional. After a private meeting with the country's most senior judge and parliamentary leaders Mr al-Maliki accepted the jurisdiction of the appeal court, which agreed in turn to look at the cases before the election. The meeting led opposition politicians and international observers to complain of undue executive interference in the judicial process. Reider Visser of the Norwegian Institute of International Affairs said:

We have seen an almost total reversal of the position of the special appeals court within less than one week, suggesting that considerable political pressure has been brought to bear on its members as they tried to navigate the utter legal chaos that is the Iraqi de-Baathification process.¹⁰

Prime Minister Maliki's role has caused disappointment in western circles because he had a record of rejecting outright sectarianism and had stated his intention to build a non-sectarian electoral coalition. Maliki's re-election had been seen until recently as a foregone conclusion. His perceived change of strategy may be the result of a growing electoral threat from the Iraqiya coalition.

On 13 February, the High Electoral Commission confirmed that almost all the original barred candidates would remain barred.

General Ray Odierno, commander of the US forces in Iraq, was unusually direct when he said that both Chalabi and al-Lami were "clearly are influenced by Iran. We have direct intelligence that tells us that."¹¹ He was criticised by Iraqi politicians for interfering.

6 Participation

The participation of Sunni voters and candidates is seen as essential if sectarian violence is to be brought under control and the new government is to gain legitimacy in the eyes of the population. The Sunni boycott of the 2005 election was seen as a disaster both by those in favour of democracy in Iraq and by many Sunnis themselves.

On learning of his disqualification from the election, Saleh al-Mutlaq announced reluctantly on 20 February that his National Dialogue Front would boycott the election. The boycott call was not immediately taken up by other Sunni politicians, and even officials in his party in the Kurdish region said that they would be participating. A few days later, Mr al-Mutlaq said that he had reversed that decision and that his party would be taking part.

The decision of the Sunni and secular parties to participate in the election in spite of the shock of the disqualification ruling has been a source of hope that Iraq's divisions may be possible to heal. The January 2009 provincial elections had marked the Sunni community's decisive acceptance of the existing political set-up and had also seen set-backs for the more openly sectarian parties, particularly the ISCI.

¹⁰ 'Candidates to Stay Off Ballot in Iraq', *New York Times*, 13 February 2010

¹¹ 'General says two Iraqi politicians have ties to Iran', *New York Times*, 17 February 2010

7 The parties contesting the election

The Iraqi United Alliance, the coalition which won the 2005 election and formed the government of which Nuri al-Maliki is the prime minister, split in 2009 into the State of Law Coalition, headed by al-Maliki, and the Iraqi National Alliance (INA), led by Ammar Hakim. Neither of these groups is expected to gain a working majority in the new parliament and it is expected that they would seek to form a coalition government. The Kurdish vote, too, is likely to be split for the first time in national elections.

The State of Law Coalition	This Shiite group is headed by the Prime Minister Nuri al-Maliki and includes his Dawa Party, the Anbar Salvation Front and a number of smaller parties
The Iraqi National Alliance	A Shiite religious group that includes the Hakim's Islamic Supreme Council of Iraq (formerly SCIRI), Ahmed Chalabi's Iraqi National Congress, the Badr Organisation, the Sadrists, breakaway Dawa party members led by former prime minister Ibrahim al-Jaafari, the Islamic Virtue Party (Fadhilah), the Shi'a Turkmen Movement, and other parties.
Iraqiya	Led by Ayad Allawi, former Prime Minister and secular Shi'a. The coalition includes Allawi's Iraqi National Accord, al-Mutlaq's Iraqi Front for National Dialogue. Iraqiya is the principal secular force in Iraqi politics and is expected to do well in the election despite the ban on the leaders of the Front for National Dialogue.
The Kurdish Alliance	This coalition is dominated by the two most powerful Kurdish parties, the Patriotic Union of Kurdistan (PUK), headed by current Iraqi president, Jalal Talabani, and the Kurdish Democratic Party (KDP), led by Massoud Barzani, the president of the Kurdish regional government.
The Gorran coalition	The Kurdish movement for change emerged as a possibly serious contender for Kurdish votes in 2006.

8 Observers

There will be 'thousands' of Iraqi and international observers at polling stations across the country. Most of the observers will be Iraqi nationals from the competing parties, which are allowed to send observers to the polling stations in governorates where they are putting up candidates.

The EU, UN agencies, the United States, Canada, Australia, and the Organization of the Islamic Conference are sending missions, amounting to a total of more than 350 international observers. The EU electoral Assistance Team (EAT) EAT consists of 16 electoral and logistics experts, and will operate from Baghdad, Erbil and Basra.¹²

¹² ['Deployment of an EU Election Assessment Team to Iraq'](#), EU press release, 3 February 2010

In the absence of reliable and impartial national institutions, the International Crisis Group called for extra vigilance and an extended electoral monitoring presence from international organisations. It also called for the reform of electoral systems, and particularly the Accountability and Justice Commission, and for aid to be made conditional on these reforms, particularly in the event of unacceptable abuses during the election and a de-legitimised result.¹³

9 Election day

On the day of the election, bombings led to the deaths of 38 Iraqis. Nevertheless, the major upsurge in sectarian violence that many feared did not materialise. The turnout, at 62%, was acceptable and it appeared that the Sunnis had indeed fully participated in the election.

International observers concluded that the level of electoral fraud was low and that the election process was effective.

10 Results and attempts to form a majority

It was widely predicted that the election would produce no clear winner, and that no one coalition would have even a clear plurality in the new parliament. This turned out to be the case, indeed, the problem with the election has been the closeness of the result, and forming a government presents formidable difficulties. Experts say that it will take months, even most of 2010, to reach a conclusion, not least because Iraq's violent recent past means that there are many good reasons for most of the leaders to hate each other.

10.1 Provisional results of the 2010 parliamentary election

Alliances and parties	Votes	%	Seats	Increase/decrease
Iraqi National Movement (al-Iraqiyya)	2,849,612	24.72%	91	+54
State of Law Coalition	2,792,083	24.22%	89	+64
National Iraqi Alliance	2,092,066	18.15%	70	-35
Kurdistan Alliance	1,681,714	14.59%	43	-10
Movement for Change (Gorran)	476,478	4.13%	8	+8
Unity Alliance of Iraq	306,647	2.66%	4	+4
Iraqi Accord Front (al-Tawafuq)	298,226	2.59%	6	-38
Kurdistan Islamic Union	243,720	2.12%	4	-1
Islamic Group of Kurdistan	152,530	1.32%	2	+1
Minorities	61,153	-	8	+6
Total (turnout 62.4 %)	11,526,412	100%	325	+50

Source: Majlis.org

On 19 April, a special panel of Iraqi judges ruled that the Independent High Electoral Commission must conduct a recount in Baghdad. Evidence was presented that purported to show irregularities in the Baghdad count, and a manual recount was begun. Mr Maliki and the State of Law bloc had been pushing for the recount for some time, and expect the recount to reverse the position of the two leading blocs.

¹³ ICG, *Iraq's Uncertain Future: Elections and Beyond*, Middle East Report 94, 25 February 2010

This may presents a significant risk to the stability of the country. The Sunni minority already has some grounds for grievances against the electoral process, particularly over the disqualification process run by the Accountability and Justice Commission. To have Allawi's Iraqiyya bloc relegated to second position and potentially excluded from the government could add dangerously to that resentment. The US, which hopes to avert a government coalition which could be perceived as divisive, is said to be pressing for a grand coalition between the Allawi and Maliki blocs.

In May, it was announced that Maliki's bloc and the other main Shi'a bloc, the Iraq National Alliance, which won 70 seats and includes the Sadrists, were negotiating over a possible governing pact. Such a coalition would still be short of the 163 seats necessary for a majority and Maliki might have to stand down: Mr Maliki's support among the Sadrists is not strong, since he ordered a fierce crackdown on the Sadrists' Mahdi Army militia in 2008. There were reports, however, that the Sadrists may be dropping their resistance to Mr Maliki retaining his post. Iraqiyya's response to the proposed link-up between the two largest groups was to threaten to withdraw completely from the political process, including sitting in the Council of Representatives, if it was excluded from the government.¹⁴ On the other hand, further reports in May suggested that an Allawi/Maliki alliance, or even a merger of their blocs, was still a possibility; these reports, many of which are unattributed, may be leaks intended to bolster the position of the players in the negotiations.

The negotiations over forming the government may be leading to an increase in violent attacks. On 22 April more than 60 died in a series of bomb attacks in Sadr City, a Shia area of Baghdad, and in ANbar province. On 10 May, 23 incidents in Baghdad and seven in other locations caused almost 100 deaths. Experts say that the May attacks were probably the work of al-Qaeda in Iraq. Another explanation for the violence may be that two top al-Qaeda in Iraq officials, Abu Ayyub al-Masri, an Egyptian who served as the military commander, and Abu Omar al-Baghdadi, the chief ideologue, were killed in a US airstrike near Saddam's home town of Tikrit on 18 April 2010. Al-Qaeda in Iraq may be attempting to show that it is still viable after what some hope was a major blow to the organisation.

¹⁴ 'Al-Iraqiya List Threatens to Withdraw from Political Process', *asharq al-awsat*, 19 April 2010