Iraq: Politics, Elections, and Benchmarks

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Summary

Iraq's political system, the result of a U.S.-supported election process, has been increasingly characterized by peaceful competition, as well as by attempts to form cross-sectarian alliances. However, ethnic and factional infighting continues, sometimes using key levers of power and seemingly undemocratic means. This was in evidence in the successful efforts by Shiite Arab political leaders to disqualify some prominent Sunni Arab candidates in the March 7, 2010, national elections for the Council of Representatives (COR, parliament), which will form the next government. Election-related violence occurred before and during the election, although not at levels of earlier years or at a level to significantly affect voting, except perhaps for Baghdad city.

With all votes counted, the cross-sectarian "Iraqiyya" slate of former Prime Minister Iyad al-Allawi unexpectedly gained a plurality of 91 of the 325 COR seats up for election. Nuri Kamal al-Maliki's State of Law slate came in a close second, with two fewer seats, and a rival Shiite coalition was a distant third with 70. The main Kurdish parties, again allied, won 43. Allawi's slate had been expected to get the first opportunity to put together a majority coalition to form a government. However, Maliki and other Shiite parties—opposing what they claim is the mostly Sunni Arab base of the Allawi slate—are in extensive discussions to put together a coalition that would be able to determine the next government. To bolster his claim to remain prime minister, Maliki's slate requested, and a court agreed, to a recount of votes in crucial Baghdad province; Maliki hopes the recount will deprive Allawi's bloc of its plurality of seats. Another court's disqualification (on "de-Baathification" grounds) of one winning and 51 losing candidates will require a recalculation of seat allocations, presumably to Maliki's benefit.

Allawi, who is viewed as even-handed and not amenable to Iranian influence, is considered to be favored by the Obama Administration and by Sunni-dominated regional neighbors such as Saudi Arabia. However, many expect that neither the United States nor these neighbors can or will intervene decisively to shape a new government. The domestic tensions over the election result— although likely to delay the formation of a new government until well into the summer—have not, for now, altered the Obama Administration's planned reduction of the U.S. troop presence in Iraq. The current U.S. troop level is about 95,000, and a reduction to 50,000 is planned to be completed by September 1, 2010, according to the top U.S. commander in Iraq, General Raymond Odierno. Odierno adds that U.S. drawdown plans would change only if the post-election political process turns highly violent—a development that has not happened to date and is not widely expected. Under the U.S.-Iraq Security Agreement that took effect January 1, 2009, and which President Obama has said would be followed, all U.S. forces are to be out of Iraq by the end of 2011. U.S. officials are hoping that not only will a new government be assembled, but that it will overcome the long-standing differences that have thus far prevented passage of key outstanding legislation considered crucial to political comity going forward, such as national hydrocarbon laws. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

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Overview of the Political Transition

Iraq has largely completed a formal political transition from the dictatorship of Saddam Hussein to a plural polity that encompasses varying sects and ideological and political factions. However, grievances and disputes among these groups remain over the relative claim of each on power and economic resources. These disputes permeate and complicate almost every issue in Iraq, including security, the terms and framework for elections, economic decision making, and foreign policy.

After the fall of Saddam Hussein's regime in April 2003, the United States set up an occupation structure, reportedly based on concerns that immediate sovereignty would favor major factions and not produce democracy. In May 2003, President Bush, reportedly seeking strong leadership in Iraq, named Ambassador L. Paul Bremer to head a "Coalition Provisional Authority" (CPA), which was recognized by the United Nations as an occupation authority. Bremer discontinued a tentative political transition process and instead appointed (July 13, 2003) a non-sovereign Iraqi advisory body, the 25-member "Iraq Governing Council" (IGC). After about one year of occupation, the United States handed sovereignty to an appointed Iraqi interim government on June 28, 2004. It was headed by a prime minister, Iyad al-Allawi, leader of the Iraq National Accord, a secular, non-sectarian faction. Allawi is a Shiite but many INA leaders were Sunnis, and some of them were formerly members of the Baath Party. The president of this interim government was Ghazi al-Yawar, a Sunni tribal figure who spent many years in Saudi Arabia.

January 2005 National Assembly and Provincial Elections

A series of elections in 2005 produced the full-term government that is in power today. In line with a March 8, 2004, "Transitional Administrative Law" (TAL, interim constitution), the first post-Saddam election was held on January 30, 2005, for a 275-seat transitional National Assembly (which formed an executive), four-year term provincial councils in all 18 provinces and a Kurdistan regional assembly (111 seats). According to the "proportional representation/closed list" election system, voters chose among "political entities" (a party, a coalition of parties, or persons); 111 entities were on the national ballot, of which nine were multi-party coalitions. Sunni Arabs (20% of the overall population) boycotted, winning only 17 Assembly seats, and only one seat on the 51-seat Baghdad provincial council. That council was dominated (28 seats) by representatives of the Islamic Supreme Council of Iraq (ISCI), led by Abd al-Aziz al-Hakim. Radical Shiite cleric Moqtada Al Sadr, then at odds with U.S. forces, also boycotted, leaving his faction poorly represented on provincial councils in the Shiite south and in Baghdad. The resulting transitional government placed Shiites and Kurds in the highest positions—Patriotic Union of Kurdistan (PUK) leader Jalal Talabani was president and Da'wa (Shiite party) leader Ibrahim al-Jafari was prime minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense.

Permanent Constitution

The elected Assembly was to draft a constitution by August 15, 2005, to be put to a referendum by October 15, 2005, subject to veto by a two-thirds majority of voters in any three provinces. On May 10, 2005, a 55-member drafting committee was appointed, but with only two Sunni Arabs (15 Sunnis were later added as full members and 10 as advisors). In August 2005, the talks produced a draft, providing for a December 31, 2007, deadline to hold a referendum on whether

Kirkuk (Tamim province) would join the Kurdish region (Article 140); designation of Islam as "a main source" of legislation;[1] a 25% electoral goal for women (Article 47); families choosing which courts to use for family issues (Article 41); making only primary education mandatory (Article 34); and having Islamic law experts and civil law judges on the federal supreme court (Article 89). Many women opposed the two latter provisions as giving too much discretion to male family members. It made all orders of the U.S.-led occupation authority (Coalition Provisional Authority, CPA) applicable until amended (Article 126), and established a "Federation Council" (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).

The major disputes—still to some extent unresolved—centered on regional versus centralized power. The draft permitted two or more provinces together to form new autonomous "regions"— reaffirmed in passage of an October 2006 law on formation of regions. Article 117 allows "regions" to organize internal security forces, legitimizing the fielding of the Kurds' *peshmerga* militia (allowed by the TAL). Article 109 requires the central government to distribute oil and gas revenues from "current fields" in proportion to population, and gave regions a role in allocating revenues from new energy discoveries. Disputes over these concepts continue to hold up passage of national hydrocarbons legislation. Sunnis dominate areas of Iraq that have few proven oil or gas deposits, and favor centralized control of oil revenues, whereas the Kurds want to maintain maximum control of their own burgeoning energy sector.

With contentious provisions unresolved, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, prompting a U.S.-mediated agreement (October 11, 2005) providing for a panel to propose amendments within four months after a post-December 15 election government took office (Article 137), to be voted on within another two months (under the same rules as the October 15 referendum). The Sunni provinces of Anbar and Salahuddin had a 97% and 82% "no" vote, respectively, but the constitution was adopted because Nineveh province only voted 55% "no," missing the threshold for a "no" vote by a two-thirds majority in three provinces.

December 15, 2005, Elections

The December 15, 2005, elections were for a full-term (four-year) national government (in line with the schedule laid out in the TAL). Under the voting mechanism used for that election, each province contributed a predetermined number of seats to a "Council of Representatives" (COR)— a formula adopted to attract Sunni participation. Of the 275-seat body, 230 seats were allocated this way, with 45 "compensatory" seats for entities that would have won additional seats had the constituency been the whole nation. There were 361 political "entities," including 19 multi-party coalitions, competing in a "closed list" voting system (in which party leaders choose the persons who will actually sit in the Assembly). As shown in **Table 4**, voters chose lists representing their sects and regions, and the Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the Shiite bloc "United Iraqi Alliance" to replace Jafari with another Da'wa figure, Nuri Kamal al-Maliki, as prime minister.

On April 22, 2006, the COR approved Talabani to continue as president. His two deputies are Adel Abd al-Mahdi (incumbent) of the Islamic Supreme Council of Iraq (ISCI) and Tariq al-Hashimi, leader of the broad Sunni-based coalition called the Accord Front ("Tawafuq"—within

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[1] http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html.

which Hashimi leads the Iraqi Islamic Party). Another Accord figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), became COR speaker. Maliki won COR approval of a 37-member cabinet (including two deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 2006, due to infighting. Of the 37 posts, there were 19 Shiites; nine Sunnis; eight Kurds; and one Christian. Four were women.

Political Reconciliation and Subsequent Elections

The 2005 elections were considered successful by the Bush Administration but did not resolve the Sunni-Arab grievances over their diminished positions in the power structure. The Sunni-led insurgency accelerated in the two subsequent years, in turn prompting the empowerment of Shiite militia factions to counter the insurgency. The sectarian violence was so serious that many experts said that the U.S. mission in Iraq was failing.

In August 2006, the Administration and Iraq agreed on a series of "benchmarks" that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), "progress" on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and then September 15, 2007—was required for the United States to provide $1.5 billion in Economic Support Funds (ESF) to Iraq. President Bush used the waiver provision. The law also mandated an assessment by the GAO, by September 1, 2007, of the degree to which the benchmarks have been met, as well as an outside assessment of the Iraqi security forces (ISF).

As 2008 progressed, citing the achievement of many of the major legislative benchmarks—and a dramatic drop in sectarian violence that the Administration attributed largely to the U.S. "troop surge"—the Bush Administration asserted that political reconciliation was advancing. However, U.S. officials maintained that the extent and durability of reconciliation would depend on the degree of implementation of adopted laws, on further compromises among ethnic groups, and on continued attenuated levels of violence. For Iraq's performance on the benchmarks, see **Table 5**.

The Strengthening of Maliki and the Iraqi Government: 2008-2009

The passage of key legislation in 2008 (see chart below) and the continued calming of the security situation enhanced Maliki's political position. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs ("Operation Charge of the Knights") succeeded in pacifying the city, and caused many Sunnis and Kurds to see Maliki as even-handed and less sectarian. This contributed to a decision in July 2008 by the Accord Front to end its one-year boycott of the cabinet. Other cabinet vacancies were filled with independents, essentially putting to rest indicators that major blocs might vote Maliki out of the prime ministership. (In 2007 the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi pulled out of the cabinet, leaving it with 13 vacant seats, out of 37 cabinet slots, severely weakening Maliki politically.)

Although Maliki's growing strength increased the Bush and then Obama Administration's optimism for continued stability, Maliki's strength caused concern among Maliki's erstwhile political allies. They saw him as increasingly building a following in the security forces and creating new security organs loyal to him and his faction. Through his Office of the Commander-

in-Chief, he directly commands the National Counter-Terrorism Force (nearly 9,000 personnel) as well as the Baghdad Brigade, responsible for security in the capital. In 2008, the Kurds were highly critical of his formation of government-run "tribal support councils" in northern Iraq, which the Kurds see as an effort to prevent them from gaining control of disputed territories that they want to integrate into their Kurdistan Regional Government (KRG). Other support councils were created in southern Iraq. As another example, in February 2010, Maliki's government reportedly directed the Iraqi Army's Fourth Division to cordon a provincial council building in Tikrit to influence the resolution of a dispute over the Salahuddin provincial council's ousting of the former governor of the province.[2] A further February 2010 incident involved the government's order to arrest a major Sunni leader south of Baghdad (Shaykh Turki Talal), an arrest that was later reversed after reported U.S. intervention.[3]

January 31, 2009, Provincial Elections and Implications

The political fears of some factions about Maliki's intentions to consolidate power were evident in the January 31, 2009, provincial elections. Under a 2008 law, provincial councils in Iraq choose the governor and provincial governing administrations in each province, making them powerful bodies that provide ample opportunity to distribute patronage and guide provincial politics. ISCI, which had already been distancing itself from its erstwhile ally, Maliki's Da'wa Party, ran under a separate slate in the provincial elections—thus splitting up the formerly powerful UIA. Ideologically, ISCI favors more power for the provinces and less for the central government; centralization is Maliki's preferred power structure.

The provincial elections had originally been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk and other disputed territories into the KRG caused a presidential council veto of the July 22, 2008, election law needed to hold these elections. That draft provided for equal division of power in Kirkuk (among Kurds, Arabs, and Turkomans) until its status is finally resolved, prompting Kurdish opposition to any weakening of their dominance in Kirkuk. On September 24, 2008, the COR passed a final election law, providing for the elections by January 31, 2009 and putting off provincial elections in Kirkuk and the three KRG provinces.[4]

In the elections, in which there was virtually no violence on election day, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province was about 30,[5] down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The Baghdad provincial council has 57 seats. This yielded an average of more than 30 candidates per council seat. However, the reduction in number of seats also meant that many incumbents were not reelected.

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[2] Myers, Steven Lee and Anthony Shadid. "Maliki Faulted On Using Army in Iraqi Politics." *New York Times*, February 11, 2010.

[3] Levinson, Charles. "In Iraq, U.S. Forces Hang On To Power." *Wall Street Journal*, March 1, 2010.

[4] The election law also stripped out provisions in the vetoed version to allot 13 total reserved seats, spanning six provinces, to minorities. An October 2008 amendment restored six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; one seat for Yazidis in Nineveh; one seat for Shabaks in Nineveh; and one seat for the Sabean sect in Baghdad

[5] Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.

The provincial elections were conducted on an "open list" basis—voters were able to vote for a party slate, or for an individual candidate (although they also had to vote for that candidate's slate). This procedure encouraged voting for slates and strengthened the ability of political parties to choose who on their slate will occupy seats allotted for that party. This election system was widely assessed to favor larger, well-organized parties, because smaller parties might not meet the vote threshold to obtain any seats on the council in their province.[6] This was seen as likely to set back the hopes of some Iraqis that the elections would weaken the Islamist parties, both Sunni and Shiite, that have dominated post-Saddam politics.

About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election-related violence was minimal, although five candidates and several election/political workers were killed. There were virtually no major violent incidents on election day. Turnout was about 51%, somewhat lower than some expected, and some voters complained of being turned away at polling places because their names were not on file. Other voters had been displaced by sectarian violence in prior years and were unable to vote in their new areas of habitation.

The vote totals were finalized on February 19, 2009, and were certified on March 29, 2009. Within 15 days of that (by April 13, 2009) the provincial councils began to convene under the auspices of the incumbent provincial governor, and to elect a provincial council chairperson and deputy chairperson. Within another 30 days after that (by May 12, 2009) the provincial councils elected (by absolute majority) a provincial governor and deputy governors. The term of the provincial councils is four years from the date of their first convention.

Outcomes

The fears of Maliki's opponents were realized when his list ("State of Law Coalition") was the clear winner of the provincial elections. His Shiite opponents (his former allies) all ran separate slates and fared generally poorly. With 28 out of the 57 total seats, the Maliki slate gained effective control, by itself, of the Baghdad provincial council (displacing ISCI). Da'wa also emerged very strong in most of the Shiite provinces of the south, including Basra, where it won an outright majority (20 out of 35 seats).

The apparent big loser in the elections was ISCI, which had been favored because it is well organized and well funded. ISCI did not win in Najaf province, which it previously dominated and which, because of Najaf's revered status in Shiism, is considered a center of political gravity in southern Iraq. It won seven seats there, the same number that was won by the Maliki slate. ISCI won only 3 seats on the Baghdad province council, down from the 28 it held previously, and only five in Basra. Some observers believe that the poor showing for ISCI was a product not only of its call for devolving power out of Baghdad, but also because of its perceived close ties to Iran, which some Iraqis believe is exercising undue influence on Iraqi politics.

The Sadr faction, represented mainly in the "Independent Liberals Trend" list, did not come close to winning outright control of any councils, although it won enough seats in several southern provinces to, through deal-making, gain senior positions in a few southern provinces. The showing of the Sadrists was viewed as reflecting voter disillusionment with parties that continue

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[6] The threshhold for winning a seat is the total number of valid votes divided by the number of seats up for election.

to field militias—which many Iraqis blame for much of the violence that has plagued Iraq since the fall of Saddam Hussein.

The unexpected strength of secular parties such as that of former Prime Minister Iyad al-Allawi, corroborated the view that voters favored slates committed to strong central government, as well as to the concept of Iraqi nationalism. This trend was also reflected in the strong showing of a single candidate in Karbala province who was well thought of in the province for even-handedness.

Although Maliki's coalition was the clear winner, the subsequent efforts to form provincial administrations demonstrated that he still needed to strike bargains with rival factions, including Sadr, ISCI, and even the Sunni list of Saleh al-Mutlaq (National Dialogue Front) that contains many ex-Baathists. The provincial administrations that took shape, mostly in line with set deadlines above, are in **Table 5**.

Diyala Province was hotly contested among Shiite and Sunni Arab and Kurdish slates, reflecting the character of the province as a front line between the Kurds and the central government. The provincial version of the Accord Front narrowly beat out the Kurds for first place in the province, and subsequently allied with the Kurds and with ISCI to set up the provincial administration. There continues to be substantial friction between Sunni and Shiite Arabs in that province, in part because Sunni militants drove out many Shiites from the province at the height of the civil conflict during 2005-2007.

Maliki's Position as March 7, 2010, Elections Approached

Because of his slate's showing in the provincial elections, Maliki was deemed throughout 2009 to be well positioned for the March 7, 2010, elections for the next COR, which will choose the next full-term government. He reached compromise with political competitors in some provinces, including those dominated by Sunni Arabs, and included Sunni tribalists and other diverse figures into his State of Law coalition, which again competed as a relatively unified slate in the March 2010 COR vote. Maliki also derived strength from the ongoing U.S. implementation of the U.S.-Iraq "Security Agreement" (sometimes referred to as the Status of Forces Agreement, or SOFA). The agreement passed the COR on November 27, 2008, over Sadrist opposition. The pact took effect January 1, 2009, limiting the prerogatives of U.S. troops to operate in Iraq and setting a timetable of December 31, 2011, for a complete U.S. troop withdrawal. President Obama, on February 27, 2009, outlined a U.S. troop drawdown plan that comports with the major provisions of the Agreement.

The first major milestone of the U.S.-Iraq Agreement was the June 30, 2009, withdrawal of U.S. combat troops from Iraq's cities. This was strictly implemented by U.S. forces, to the point where U.S. forces pulled out of locations in the restive Mosul area and from Sadr City, where General Raymond Odierno (top U.S. commander in Iraq) felt U.S. forces should stay. Maliki hailed this interim milestone as a "victory" and declared it a national holiday.

Despite his apparent successes in 2009, vulnerabilities led many observers to expect his slate to win a plurality in the elections, but not a majority that would ensure his continuation as prime minister. Maliki's image as protector of law and order was shaken by the several high-profile attacks since June 2009, including several major multiple bombing attacks in central Baghdad. Additional bombings have taken place in Baghdad, Diyala Province, Anbar Province, and elsewhere as the election has approached. Some believe that insurgents conducted these attacks

with the intent of weakening Maliki's image as a strong leader. Others saw these incidents as an effort by Al Qaeda in Iraq or other un-reconciled Sunni insurgent groups to reduce Sunni participation in the elections and/or reignite civil war.

Realizing the potential for security lapses to reduce his chances to remain prime minister, Maliki ordered several ISF commanders questioned for lapses in connection with the major bombings in Baghdad on August 20, 2009, in which almost 100 Iraqis were killed and the Ministry of Finance and of Foreign Affairs were heavily damaged. The makeshift new Ministry of Finance buildings were attacked again on December 7, 2009. After this bombing, which also resulted in the parliament's insistence that it hear Maliki's explanation of his responses, Maliki replaced the commander of the Baghdad Brigade. He also attempted to place substantial blame for the lapses on the Interior Minister, Jawad Bolani, who headed a rival slate in the elections. (See **Table 1** on major slates in the election.)

The infighting between Maliki and his critics has also had the effect of stalling movement on remaining crucial legislation, such as that discussed in **Table 5**. Some note that efforts to rein in official corruption are failing because no comprehensive anti-corruption law has been passed. Also not passed are laws on the environment, those governing other elections, consumer protections, intellectual property rights, building codes, and a new national flag.

The March 7, 2010, Elections: Other Coalitions, Processes, and Political Infighting

In the runup to the March 7 elections, several Shiite factions unsuccessfully sought to persuade Grand Ayatollah Ali al-Sistani, the senior clerical leader in Iraq, to call for reconstituting the UIA. As a result, several of the main Shiite factions competed against each other. The rival Iraqi National Alliance (INA) slate was between ISCI , Sadr, and other Shiite figures. The INA coalition believed that each of its component factions would draw support from their individual constituencies to produce an election majority or clear plurality. Sistani remained completely neutral in the election, endorsing no slate, but calling on all Iraqis to participate.

About 85 total coalitions were accredited for the March 7, 2010, election. There were about 6,170 total candidates running on all these slates and, as noted, Iraqis were able to vote for individual candidates as well as overall slates. Aside from that of Maliki, only a few of the coalitions were perceived as having major support, and those coalitions are depicted in **Table 1**. All blocs offered voters gifts and favors at pre-election rallies, and all available press reports indicate that campaigning was vibrant and vigorous.

Table 1. Major Coalitions Formed for 2010 National Elections

State of Law Coalition (slate no. 337)	Led by Maliki and his Da'wa Party. Includes Anbar Salvation Front of Shaykh Hatim al-Dulaymi, which is Sunni, and the Independent Arab Movement of Abd al-Mutlaq al-Jabbouri. Appealed to Shiite sectarianism during the campaign by backing the exclusion of candidates with links to outlawed Baath Party. Was widely favored in the 2010 election because of strong showing in January 2009 provincial elections, but later perceived as likely to win a relatively narrow plurality, clouding Maliki's prospects to continue as prime minister.
Iraqi National Alliance (slate no. 316)	Formed in August 2009, was initially considered the most formidable challenger to Maliki's slate. Consists mainly of his erstwhile Shiite opponents and is perceived as somewhat more Islamist than the other slates. Includes ISCI, the Sadrist movement, the Fadilah Party, the Iraqi National Congress of Ahmad Chalabi, and the National Reform Movement (Da'wa faction) of former Prime Minister Ibrahim al-Jafari. Possible Prime ministerial candidate from this bloc is current deputy President Adel Abd al-Mahdi, a moderate ISCI leader well respected by U.S. officials. However, some observers say Chalabi—the key architect of the effort to exclude candidates with Baathist ties—may be scheming to try to become prime minister. This slate is considered closest to Ayatollah Sistani, but did not persuade him to make a formal endorsement.
Iraqi National Movement ("Iraqiyya"—slate no. 333)	Formed in October 2009. Led by former Prime Minister Iyad al-Allawi (Iraq National Accord) who is Shiite but his faction appeals to Sunnis, and Sunni leader Saleh al-Mutlaq (ex-Baathist who leads Iraq Front for National Dialogue). Backed by Iraqi Islamic Party leader and deputy President Tariq Al-Hashimi. However, Justice and Accountability Commission (formerly the De-Bathification Commission) disqualified Mutlaq and another senior candidate on this slate, Dhafir al Ani, for supporting the outlawed Baath Party. An appeals court affirmed their disqualification.
Kurdistan Alliance (slate no. 372)	Competed again in 2010 as a joint KDP-PUK Kurdish list. However, Kurdish solidarity was shaken by July 25, 2009, Kurdistan elections in which a breakaway PUK faction called Change (Gorran) did unexpectedly well. Gorran is running its own separate list for the March 2010 elections, and there has been some violence between PUK and Gorran supporters. PUK's ebbing strength in the north not likely to jeopardize Talabani's continuation as president, although Sunnis said to seek that position.
Unity Alliance of Iraq (slate no. 348)	Led by Interior Minister Jawad Bolani, a moderate Shiite who has a reputation for political independence. Bolani has not previously been affiliated with the large Shiite parties such as ISCI and Dawa, and was only briefly affiliated with the Sadrist faction (which has been strong in Bolani's home town of Amarah, in southeastern Iraq). Considered a non-sectarian slate, this list Includes Sunni tribal faction led by Shaykh Ahmad Abu Risha, brother of slain leader of the Sunni Awakening movement in Anbar. The list includes first post-Saddam defense minister Sadun al-Dulaymi.
Iraqi Accordance (slate no. 338)	A coalition of Sunni parties, including breakaway factions of the Iraqi Islamic Party (IIP). Led by Ayad al-Samarrai, speaker of the COR. Viewed as a weak competitor for Sunni votes against Allawi slate, and was expected to draw very few Shiite votes.

Sources: Carnegie Endowment for International Peace; various press.

Election Law Dispute and Final Provisions

The holding of the elections required passage of an election law setting out the rules and parameters of the election. Under the Iraqi constitution, the elections were to held by January 31, 2010, in order to allow 45 days before the March 15, 2010, expiry of the current COR's term. Iraq's election officials had ideally wanted a 90-day time frame between the election law passage and the election date, in order to facilitate the voter registration process.

Because the provisions of the election law (covering such issues as voter eligibility, whether to allot quota seats to certain constituencies, the size of the next COR) had the potential to shape the election outcome, the major Iraqi communities were divided over the substance of the law. These differences caused the COR to miss almost every self-imposed deadline to pass it. One dispute was over the election system, with many COR members leaning toward a closed list system (which gives the slates the power to determine who occupies actual COR seats after the election), despite a call by Grand Ayatollah Sistani for an open list vote (which allows voters to also vote for candidates as well as coalition slates). The final law, passed on December 6, 2009, provided for an open list. Each province served as a single constituency and a fixed number of seats for each province (see **Table 2**, which includes number of COR seats per province).

There was also a dispute over how to apply the election in disputed Kirkuk province, where Kurds feared that the election law drafts would cause Kurds to be underrepresented in the election. The version of the election law passed by the COR on November 8, 2009 (141 out of 195 COR deputies voting), called for using 2009 food ration lists as representative of voter registration. The Kurds had sought this provision, facing down the insistence of many COR deputies to use 2005 voter lists, which presumably would contain fewer Kurds. A compromise in that version of the law allowed for a process to review, for one year, complaints about fraudulent registration, thus easing Sunni and Shiite Arab fears about an excessive Kurdish vote in Kirkuk.

However, this version left many Sunni Arabs angry because it guaranteed a small quota of seats for Iraqis living abroad or who are displaced. The mechanism for that guarantee was to create a separate electoral constituency for Iraqis voting from outside Iraq—essentially, a "19th province" constituency. Sunni Iraqis felt that because it is mainly members of their sect who remain displaced, that election law version would under-represent them. On this basis, one of Iraq's deputy presidents, Tariq al Hashimi, a Sunni Arab, vetoed the law. The veto, on November 18, sent the law back to the COR. A new version was adopted on November 23, but it was viewed as even less favorable to Sunni Arabs than the first version, because it eliminated any reserved seats for Iraqis in exile. Hashimi again threatened a veto, which he was required to exercise within 10 days. As that deadline was about to lapse, the major factions, reportedly at the urging of U.S. and other diplomats in Baghdad, reached agreement and adopted a new law (December 6, 2009). It was not vetoed by any member of the presidency council, and provided for the following:

- Expansion of the size of the COR to 325 total seats. Of these, 310 are allocated by province, with the constituency sizes ranging from Baghdad's 68 elected seats to Muthanna's seven seats. The COR size, in the absence of a census, was based

on taking 2005 population figures and assuming a 2.8% per year growth rate in each province. [7]

- The remaining 15 seats are minority reserved seats (8) and "compensatory seats" (7) —seats allocated from "leftover" votes; votes for parties and slates that did not meet a minimum threshold to achieve any seats outright.

- There is no separate electoral constituency for Iraqis in exile, so Iraqis in exile will have their votes counted in the provinces where these voters originated.

- The election date was set for March 7, 2010.

Flashpoint: Disqualification of Some Prominent Sunnis

The electoral process since the end of 2005 has, to a large extent, furthered U.S. goals to bring Sunni Muslims ever further into the political structure. Sunnis boycotted the January 2005 parliamentary and provincial elections and were, as a result, poorly represented in all governing bodies. However, Sunni slates, consisting mainly of urban, educated Sunnis, participated in the December 2005 parliamentary elections.

The 2009 provincial elections furthered the Sunni entry into the political process by attracting the participation of Sunni tribal leaders ("Awakening Councils") who recruited the Sons of Iraq fighters. These Sunnis had largely stayed out of the December 2005 elections because their attention was focused primarily on the severe violence and instability in the Sunni provinces, particularly Anbar. These tribal figures were intimidated by Al Qaeda in Iraq, which urged Sunnis to stay completely out of what Al Qaeda in Iraq asserted was a U.S. occupation-dominated political process.

In the 2009 provincial elections, as the violence ebbed, these Sunni tribalists offered election slates and showed strength at the expense of the established Sunni parties, particularly the Iraqi Islamic Party (IIP). The main "Iraq Awakening" tribal slate came in first in Anbar Province, according to the final results. At the same time, the established, mostly urban Sunni parties, led by the IIP, had been struggling in 2008 as the broader Accord Front (Tawafuq) fragmented. In the provincial elections, one of its component parties—the National Dialogue Council—ran on slates that competed with the IIP in several provinces.

As noted, in the March 7 election, the Iraq National Movement "Iraqiyya" of Iyad al-Allawi was expected to have strong appeal among Sunnis. There was an openly Sunni slate, leaning Islamist, called the Accordance slate ("Tawaffuq") led by IIP figures, but it was not expected to fare well compared to Allawi's less sectarian bloc. Some Sunni figures joined the predominantly Shiite slates as part of an effort by the leaders of those blocs to appear non-sectarian.

Disqualification Crisis

The Sunni commitment to the political process was placed in jeopardy in the context of a major dispute over candidate eligibility for the March 7, 2010, elections. Although a Sunni boycott of the elections did not materialize, there was a Sunni Arab perception that the election might be

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[7] Analysis of Iraq expert Reidar Visser. "The Hashemi Veto." http://gulfanalysis.wordpress.com/2009/11/18/the-hashemi-veto/.

unfair because of this dispute. Al Qaeda in Iraq and other insurgent groups attempted to play on this dispute to justify attacks intended to dissuade Sunnis from voting and spoil the election. Recognizing the potential for renewed sectarian violence, in late February 2010 the government reinstated to duty about 20,000 (most of them Sunni Arab) military officers who had served in the military during Saddam's rule but who were purged from the roles after his overthrow.

The acute phase of this political crisis began in January 2010 when the Justice and Accountability Commission (the successor to the "De-Baathification Commission" that worked since the fall of Saddam to purge former Baathists from government) invalidated the candidacies of 499 individuals (out of 6,500 candidates running), spanning many different slates, including some candidates of Maliki's State of Law list. The Justice and Accountability Commission is headed by Ali al-Lami, a Shiite who had been in U.S. military custody during 2005-2006 for alleged assistance to Iranian agents active in Iraq. He is perceived as answerable to or heavily influenced by Ahmad Chalabi, who had headed the De-Baathification Commission. Both are part of the Iraqi National Alliance slate and both are Shiites, leading many to believe that the disqualifications represented an attempt to exclude prominent Sunnis from the vote.

The Justice and Accountability Commission argued that the disqualifications were based on law and careful evaluation of candidate backgrounds and not based on sect, because many of the candidates disqualified were Shiites. The IHEC reviewed and backed the invalidations on January 14, 2010. Disqualified candidates had three days to file an appeal in court. Apparently due in part to entreaties from the U.S. Embassy, Vice President Joseph Biden (during a visit to Iraq on January 22, 2010) and partner embassies in Iraq—all of which fear a return to instability that could result from the disqualifications—the appeals court at first ruled that disqualified candidates could run in the election and clear up questions of Baathist affiliation after the election.

However, reported pressure by Maliki and other Shiites caused the court to reverse itself on February 12, 2010, and announce that 145 candidates would be ineligible to run. Twenty-six candidates who had been barred were reinstated. The remaining approximately 300 disqualified candidates had already accepted their disqualification and been replaced by other candidates on their respective slates. The slate most affected by the disqualifications is the Iraq National Movement slate, because two of its leading candidates, National Dialogue Front party leader Saleh al-Mutlaq and Dhafir al-Ani, both Sunnis, were barred from running. This caused the slate to suspend its campaign for three days subsequent to the beginning of campaigning on February 12 (which was a one-week postponement from the original date set for the start of the campaign).

The slate did not, as a whole, call for a broad boycott and Mutlaq himself dropped his own calls for boycotting the election. Mutlaq was replaced as a candidate by his brother. The slate campaigned vigorously, and many Sunnis seemed to react by recommitting to a high turnout among their community, in order to achieve political results through the election process. It did not boycott even though, on the night before the election, the De-Baathification Commission disqualified an additional 55 candidates, mostly from the Allawi slate.

Before the election the disqualifications crisis caused a measure of alarm within the Obama Administration, which perceived in it the potential for re-ignition of sectarian violence, a long delay in forming the next government, and the jeopardizing of U.S. military draw-down plans. The crisis might account for February 16, 2010, comments by General Ray Odierno, the top U.S. commander in Iraq, that Iran is working through Chalabi and al-Lami to undermine the legitimacy of the elections. General Odierno specifically asserted that Chalabi is in close contact

with a close Iraqi ally of Iranian General Qasem Soleimani, who commands the Qods Force unit of Iran's Islamic Revolutionary Guard Corps (IRGC).[8] The Iraqi, whose name is Jamal al-Ibrahimi, is a member of the COR. Chalabi's successful efforts to turn the election into a campaign centered on excluding ex-Baathists—which Sunnis view as a codeword for their sect—has caused particular alarm among experts.

This crisis added to already growing Sunni resentment because of the slow pace with which the Maliki government has implemented its pledge to fully integrate the "Sons of Iraq" fighters into the Iraqi Security Forces (ISF). About 100,000 (80% are Sunni Arab) of these fighters nationwide cooperated with U.S. forces against Al Qaeda in Iraq and other militants. Only about 30,000 have been integrated into the ISF or given the civilian government jobs they were promised, to date.

Election Unlikely to Resolve KRG-Central Government Disputes

The March 7 elections were not expected to heal KRG-central government disputes. KRG President Masoud Barzani visited Washington, DC, in January 2010 and, according to participants in his meetings, discussed with senior officials ways in which the Kurds would cooperate with Iraq's Arabs after the election to form a new government. That was widely interpreted as an Administration admonition not to establish Kirkuk-related preconditions to join a governing coalition after the elections.

KRG-central government differences had been aggravated by the 2009 provincial elections because Sunni Arabs wrested control of the Nineveh (Mosul) provincial council from the Kurds, who won control of that council in the 2005 election because of the broad Sunni Arab boycott of that election. A Sunni list (al-Hadba'a) won a clear plurality of the Nineveh vote and subsequently took control of the provincial administration there. Al-Hadba'a is composed of hardline Sunni Arabs who openly oppose Kurdish encroachment in the province and who are committed to the "Arab and Islamic identity" of the province. A member of the faction, Ajil al-Nufaiji, is the governor, and the Kurds have prevented his visitation of areas of Nineveh where the Kurds' *peshmerga* militia operates.

In part to prevent outright violence, General Odierno, in August 2009, proposed to send U.S. forces to partner with *peshmerga* units (a development without precedent) and with ISF units in the province to build confidence between the two forces and reassure Kurdish, Arab, Turkomen, and other residents of the province. That plan began implementation in January 2010. Nineveh has seen several high-profile attacks since the U.S. pullout from Iraqi cities on June 30, 2009.

Additional friction surrounded the KRG's parliamentary and presidential elections on July 25, 2009. The KRG leadership had been planning, during that vote, to conduct a referendum on a separate KRG constitution. However, the central government asserted that a KRG constitution would conflict with the publicly adopted national constitution, and that the KRG draft constitution, adopted by the Kurdish parliament on June 23, 2009, claimed Kurdish control over disputed territories and oil resources. The KRG backed down and did not hold the referendum.

The KRG elections also, to some extent, shuffled the political landscape. A breakaway faction of President Talabani's PUK, called "Change" ("Gorran"), won an unexpectedly high 25 seats (out of 111) in the Kurdistan national assembly, embarrassing the PUK and weakening it relative to

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[8] Gertz, Bill. "Inside the Ring." *Washington Times*, February 18, 2010.

the KDP. KRG President Masoud Barzani, leader of the KDP, easily won reelection against weak opposition. Maliki met with Barzani in the Kurdish region on August 2, 2009, the first direct meeting between the two in a year, signaling Maliki's inclination to appear magnanimous and open to compromise. Gorran ran its own list in the March 2010 elections and has given the Kurdistan Alliance a significant challenge in Sulaymaniyah Province, according to election results.

Sadr Goes Into the Election Somewhat Weakened

As noted above, Sadr joined the anti-Maliki Shiite coalition (Iraqi National Alliance) for the March 2010 national elections. On October 17, 2009, the Sadr movement held a "primary" election to determine who would fill the 329 total candidate slots that will be fielded by the Sadr movement in the elections (as part of the broader Iraqi National Alliance bloc discussed above). About 800 total candidates competed for the slots.

Although Sadr participated fully in the March elections, some worry that militias loyal to him or splinter militias could become more active after the elections, depending on the outcome. The U.S. ability to constrain them will decline as U.S. forces draw down between the elections and August 2010. Some U.S. commanders say in early 2010 that they are starting to see some signs of increased Shiite militia activity around Iraq, including the south, as the elections approach. A number of splinter groups of Sadr's Mahdi Army militia, including the "Special Groups," the Promised Day Brigade, and Kata'ib Hezbollah (Hezbollah Battalions) operate in southern Iraq. On July 2, 2009, the State Department named Kata'ib Hezbollah as a Foreign Terrorist Organization (FTO).

Election Results

Table 2 depicts the final but uncertified results of the March 7, 2010, elections. Total turnout was about 62%, according to the IHEC. Turnout was slightly lower in Baghdad because of the multiple insurgent bombings that took place there just as voting was starting, which may have scared some voters away.

The Iraqiyya slate of Iyad al-Allawi won a plurality of seats, winning a narrow two-seat margin over Maliki's State of Law slate. The Iraqi constitution mandates that the slate with "the largest share" of votes gets the first opportunity to form a government. However, on March 28, 2010, Iraq's Supreme Court issued a preliminary ruling that any group that forms after the election could be deemed to meet that requirement, potentially laying the groundwork for Allawi to be denied the right to the first opportunity to form a government.

Government Formation

With the final count announced on March 26, 2010, by the IHEC, the following timelines apply:

- The result was expected to be certified on/about April 22, following a complaint period. However, that date has not been met.

- Fifteen days after certification (on/about April 15), the new COR is to be seated.

- Within another 30 days (by May 15), the COR is to choose a president (by a two-thirds vote). (According to Article 138 of the Iraqi constitution, after this

election, Iraq is to have a president and at least one vice president—the "presidency council" concept was an interim measure that expired at the end of the Maliki government's term.)

- Within another 15 days (by June 1), the bloc with the largest share (Allawi's bloc, unless the preliminary court decision is followed) is tapped by the president to form a government.

- Within another 30 days (by July 1), the presumptive prime minister presents a cabinet to the COR for confirmation (by majority vote).

Post-Election Disputes and Government Formation Efforts

The vote was to have been certified by April 22, 2010, but there have been unexpected delays that are, in turn, delaying the process of forming a government. On March 21, 2010, before the count was final, Prime Minister Maliki issued a statement, referring to his role as armed forces commander-in-chief, demanding the IHEC respond to requests from various blocs for a manual recount of all votes. The IHEC responded that any recount decisions are under its purview and that such a comprehensive recount would take an extended period of time. Several international observers, including U.N. Special Representative for Iraq Ad Melkert, have indicated that there is no cause, at this point, to suggest widespread fraud.

However, in response to an appeal by Maliki's faction, on April 19, an Iraqi court ordered a recount of votes in Baghdad Province. A recount in the province, which has 68 elected seats, could cause an alteration of the vote totals. In addition, another court continued to consider the ruling of the Justice and Accountability Commission to disqualify candidates for Baathist ties. On April 26, 2010, a special elections court disqualified, on these grounds, one winning candidate (from Allawi's bloc) and 51 losing candidates. The votes of the losing candidates are discarded and will require a recalculation of the allotment of compensatory seats, which could result in a loss of a seat for Allawi's bloc. In addition, after the election, Maliki reportedly ordered or accepted the arrest or investigation of several Sunni candidates in Allawi's bloc.[9] The challenges and other maneuvering could cost Allawi his plurality, and also inflame Sunni opinion, as Sunnis will see in the reconfigurations a Shiite effort to keep Allawi out of the prime minister's position.

The Political Landscape

Despite the appeals, recounts, and disqualifications, the failure by Maliki's slate to win the most number of seats has, to some extent, weakened his bargaining position to remain as prime minister. Even if his bloc forms an alliance with others to build a governing coalition, his weaker-than-expected showing has, according to some observers, prompted suggestions of consideration of other prime ministerial candidates, including ISCI's Adel Abd al-Mahdi. However, Abd al-Mahdi's chances are reduced by the fact that ISCI candidates only won eight seats within the INA's 70-seat bloc. The Sadrists within the INA bloc are in a strong position to determine who is prime minister, having won 40 seats within the overall INA total of 70. On April 2 and 3, the Sadrists held a "referendum" to determine who the group should support for prime minister. Former Prime Minister Ibrahim al-Jafari, not a Sadrist but a member of the INA coalition, was the

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[9] Allam, Hannah and Mohammad al-Dulaimy. "Maliki's Forces Move Against Winning Sunni Candidates." *McClatchy Newspapers*, March 28, 2010.

first choice; Maliki and Allawi were distant contenders. However, Jafari appears to lack broader support needed to emerge as prime minister in the current selection process. With little consensus on an alternative, some Iraqi observers have told CRS in April 2010 that they expect Maliki to be returned as prime minister.

Any of the Shiite candidates would satisfy those Iraqi Shiites who want to block the path to power of Iyad al-Allawi, who is viewed as too close to Iraq's Sunnis. In the days and weeks following the election, representatives of all the major slates, except those of Iraqiyya, visited Iran to consult on the formation of a new government. The Iraqi factions, which included the Kurdistan Alliance, reportedly discussed with Iran the rebuilding of the Shiite-Kurdish alliance that dominated Iraqi politics during 2005-2009. However, no firm agreement was reached, in part because of Iraqi fears of a public backlash over any Iran-brokered political deal, and because of continuing ISCI, Sadrist, and Kurdish resistance to Maliki remaining prime minister.[10] On April 10, 2010, following the visits, Iran—echoed by ISCI—appeared to shift position by asserting that any new governing coalition should include Iraqiyaa.[11] For his part, Allawi sent an emissary, current Deputy Prime Minister Rafi al-Issawi, to Iran for consultations on April 14, 2010; several high-level Iranian leaders met with him. The shift has been widely viewed as an attempt by Iran and its Iraqi allies to placate the Sunni voters in Iraq that strongly support Iraqiyya and who might inspire renewed violence if Iraqiyya is not given a prominent role in the new government. The apparent Iranian shift could represent an Iranian calculation that its interests are best served by a stable Iraq and inter-sect harmony rather than Shiite dominance. Some factions also visited Saudi Arabia to elicit its views; the kingdom is viewed as the principal regional backer of Allawi's attempts to become prime minister.

There have been other significant results, aside from the unexpectedly strong showing of Allawi's slate. The Kurds appear to be suffering a major setback in their effort to gain control of Kirkuk because Allawi's slate won the same number of seats as the Kurdistan Alliance in that province (six seats each). The Kurdistan Alliance has been further shaken by the strong showing of the Gorran list in Sulaymaniyah Province, running very close to the Alliance's vote total there.

Table 2. March 2010 COR Election: Final, Uncertified Results by Province

(100% of the vote counted as of March 26)

Province	Elected Seats in COR	Results
Baghdad	68	Maliki: 26 seats; Iraqiyya: 24 seats; INA: 17 seats; minority reserved: 2 seats
Nineveh (Mosul)	31	Iraqiiya: 20; Kurdistan Alliance: 8; INA: 1; Accordance: 1; Unity (Bolani): 1; minority reserved: 3
Qadisiyah	11	Maliki: 4; INA: 5; Iraqiyya: 2
Muthanna	7	Maliki: 4; INA: 3

[10] Parker, Ned and Usama Redha. "Maliki Warns Nearby Nations." *Los Angeles Times*, April 13, 2010.

[11] Nordland, Rod. "Iran Wants Sunnis in Iraqi Politics." *New York Times*, April 11, 2010.

Province	Elected Seats in COR	Results
Dohuk	10	Kurdistan Alliance: 9; other Kurdish lists: 1; minority reserved: 1
Basra	24	Maliki: 14 ; INA: 7; Iraqiyya: 3
Anbar	14	Iraqiyya: 11; Unity (Bolani): 1; Accordance: 2
Karbala	10	Maliki: 6; INA: 3; Iraqiyya: 1
Wasit	11	Maliki: 5; INA: 4; Iraqiyya: 2
Dhi Qar	18	Maliki: 8; INA: 9; Iraqiyya: 1
Sulaymaniyah	17	Kurdistan Alliance: 8; other Kurds: 9
Kirkuk (Tamim)	12	Iraqiyya: 6; Kurdistan Alliance: 6
Babil	16	Maliki: 8; INA: 5; Iraqiyya: 3
Irbil	14	Kurdistan Alliance: 10; other Kurds: 4
Najaf	12	Maliki: 7; INA: 5
Diyala	13	Iraqiyya: 8; INA: 3; Maliki: 1; Kurdistan Alliance: 1
Salahuddin	12	Iraqiyya: 8; Unity (Bolani): 2; Accordance: 2
Maysan	10	Maliki: 4; INA: 6
Total Seats	**325** (310 elected + 8 minority reserved + 7 compensatory)	Iraqiyya: 89 + 2 compensatory = 91 Maliki: 87 + 2 compensatory = 89 INA: 68 + 2 compensatory = 70 (of which about 40 are Sadrist) Kurdistan Alliance: 42 +1 compensatory = 43 Unity (Bolani): 4 Accordance: 6 other Kurdish: 14 minority reserved: 8

Source: Iraqi Higher Election Commission, March 26, 2010.

Notes: Seat totals are approximate and their exact allocation may be subject to varying interpretations of Iraqi law. Total seat numbers include likely allocations of compensatory seats. Total seats do not add to 325 total seats in the COR due to some uncertainties in allocations.

Implications for the United States

As discussed above, the primary U.S. concern is that the post-election period is generating new tensions that might reignite sectarian conflict and cause reevaluation of U.S. troop drawdown plans. Several major bombings in Baghdad in April 2010 have fed the concerns, although the bombings have not, to date, set off broader sectarian violence. Reflecting the concern for the election challenges to inspire violent reactions, on April 27, 2010, Secretary of State Clinton said

> The United States respects the legal avenues that Iraq has set up for challenges to candidates and to electoral results. However, for challenges to be credible and legitimate they must also be transparent and must accord with the laws and mechanism established for the conduct of the elections.

To date, according to statements by General Odierno and other accounts, there is not a sense within the Administration that the drawn-out government formation process and post-election violence will affect U.S. plans. U.S. plans call for a withdrawal of about 50,000 forces from the time of the election until September 1, 2010, to a level of about 50,000 forces remaining after August 2010. General Odierno has said the plans are "on track," and the Administration reportedly has not held any broad, high-level meetings on Iraq.[12]

The United States has worked successfully with both Allawi and Maliki during their terms as prime ministers of post-Saddam Iraqi governments, and the Administration is believed to view either of them, and most other potential candidates, as acceptable to U.S. interests. Still, although the United States is expected not to intervene directly in the inter-bloc bargaining, U.S. officials have tended to prefer Allawi because he is seen as non-sectarian, even-handed, and strongly opposed to Iranian influence in Iraq. Although U.S. officials are not likely to actively push for Allawi, U.S. officials might become concerned if there is a perception of extensive Iranian input into the formation of the new government.

U.S. officials might potentially intervene in the unlikely event that Ahmad Chalabi emerges as a prime ministerial choice, in light of U.S. disdain of his role in providing what turned out to be false or incorrect intelligence on Saddam's WMD programs and in building support within the George W. Bush Administration for the decision to militarily overthrow Saddam. His role in the disqualification issue in the March 7 election further colored the perception of him as sectarian and anti-Sunni.

Other Elections Possible

There had been speculation that the March National Assembly elections would be held concurrently with a referendum on the U.S.-Iraq Security Agreement. The referendum was to be held by July 31, 2009, but the United States, which views the referendum as unnecessary, supported a delay. In mid-October 2009, Iraqi parliamentarians quietly shelved the referendum vote by failing to act on legislation to hold the referendum and focusing instead on the broader election law needed for the National Assembly elections.[13]

District and sub-district elections were previously slated for July 31, 2009, as well. However, those are delayed, and the United Nations Secretary General Ban Ki Moon said in a report on U.N. operations in Iraq, released August 3, 2009, that these elections would likely be held later in 2010, after the National Assembly elections.

Several other possible elections in Iraq are as yet unscheduled. If there is a settlement between the KRG and Baghdad over Kirkuk and other territories, there could be a referendum to ratify any settlement that is reached. Under Article 140 of the Constitution, a referendum was to be held by December 31, 2007, but the Kurds have agreed to repeated delays in order to avoid jeopardizing overall progress in Iraq. Because the three Kurdish-controlled provinces and the disputed province of Kirkuk did not hold provincial elections with the rest of Iraq on January 31, 2009, elections are required in those provinces at some point, presumably subsequent to a settlement of the Kirkuk dispute. Absent such a settlement, observers believe these elections might be held in

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[12] Baker, Peter and Rod Nordland. "Obama Sticks to A Deadline in Iraq." *New York Times*, April 28, 2010.

[13] Sly, Liz. "Iraqi Push Fades For Referendum on U.S. Troop Pullout." *Los Angeles Times*, October 16, 2009.

the fall of 2010. (For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.)

There could also be a vote on amendments to Iraq's 2005 constitution if and when the major factions agree to finalize the recommendations of the constitutional review commission (CRC). There have been no recent major developments reported that would indicate if and when such a referendum might be ready.

Table 3. January 31, 2009, Provincial Election Results (Major Slates)

Baghdad—55 regular seats, plus one Sabean and one Christian set-aside seat	State of Law (Maliki)—38% (28 seats); Independent Liberals Trend (pro-Sadr)—9% (5 seats); Accord Front (Sunni mainstream)—9% (9 seats); Iraq National (Allawi)—8.6%; Shahid Mihrab and Independent Forces (ISCI)—5.4% (3 seats) ; National Reform list (of former P.M. Ibrahim al-Jafari)—4.3% (3 seats)
Basra—34 regular seats, plus one Christian seat	State of Law—37% (20); ISCI—11.6% (5); Sadr—5% (2); Fadhila (previously dominant in Basra)—3.2% (0); Allawi—3.2% (0); Jafari list—2.5% (0). New Governor : Shiltagh Abbud (Maliki list); Council chair: Jabbar Amin (Maliki list)
Nineveh—34 regular seats, plus one set aside for Shabaks, Yazidis, and Christians	Hadbaa—48.4%; Fraternal Nineveh—25.5%; IIP—6.7%; Hadbaa has taken control of provincial council and administration, excluding the Kurds. Governor is Atheel al-Nujaifi of Hadbaa.
Najaf—28 seats	State of Law—16.2% (7); ISCI—14.8% (7); Sadr—12.2% (6); Jafari—7% (2); Allawi—1.8% (0); Fadhila—1.6% (0). Council chairman: Maliki list
Babil—30 seats	State of Law—12.5% (8); ISCI—8.2% (5); Sadr—6.2% (3); Jafari—4.4% (3); Allawi—3.4%; Accord Front—2.3% (3); Fadhila—1.3%. New Council chair: Kadim Majid Tuman (Sadrist)
Diyala—29 seats	Accord Front list—21.1%; Kurdistan Alliance—17.2%; Allawi—9.5%; State of Law—6 %. New council leans heavily Accord, but allied with Kurds and ISCI.
Muthanna—26 seats	State of Law—10.9% (5); ISCI—9.3% (5); Jafari—6.3% (3); Sadr—5.5% (2); Fadhila—3.7%.
Anbar—29 seats	Iraq Awakening (Sahawa-Sunni tribals)—18%; National Iraqi Project Gathering (established Sunni parties, excluding IIP)—17.6%;; Allawi—6.6%; Tribes of Iraq—4.5%.
Maysan—27 seats	State of Law—17.7% (8); ISCI—14.6% (8); Sadr—7; Jafari—8.7% (4); Fadhila—3.2%; Allawi—2.3%. New Governor: Mohammad al-Sudani (Maliki); Council chair: Hezbollah Iraq
Dhi Qar—31 seats	State of Law—23.1% (13); pro-Sadr—14.1% (7); ISCI—11.1% (5); Jafari—7.6% (4); Fadhila—6.1%; Allawi—2.8%. New governor—Maliki list; Council chair: Sadrist
Karbala—27 seats	List of Maj. Gen. Yusuf al-Habbubi (Saddam-era local official)—13.3% (1 seat); State of Law—8.5% (9); Sadr—6.8% (4); ISCI—6.4% (4); Jafari—2.5% ; Fadhila—2.5%.
Salah Ad Din—28 seats	IIP-led list—14.5%; Allawi—13.9%; Sunni list without IIP—8.7%; State of Law—3.5%; ISCI—2.9%. New council leans Accord/IIP
Qadissiyah—28 seats	State of Law—23.1% (11); ISCI—11.7% (5); Jafari—8.2% (3); Allawi—8%; Sadr—6.7% (2); Fadhila—4.1%. New governor: Salim Husayn (Maliki list)
Wasit—28 seats	State of Law—15.3% (13); ISCI—10% (6); Sadr—6% (3); Allawi—4.6%; Fadhila—2.7%. New governor: Shiite independent; Council chair: ISCI

Source: UNAMI translation of results issued February 2, 2009, by the Independent Higher Election Commission of Iraq; Vissar, Reidar. The Provincial Elections: The Seat Allocation Is Official and the Coalition-Forming Process Begins. February 19, 2009.

Table 4. Election Results (January and December 2005)

Bloc/Party	Seats (Jan. 05)	Seats (Dec. 05)
United Iraqi Alliance (UIA, Shiite Islamist). 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance—KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

Notes: Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/December: 75% (12 million).

Table 5. Assessments of the Benchmarks

Benchmark	July 12, 2007, Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments—May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
1. Forming Constitutional Review Committee (CRC) and completing review	(S) satisfactory	unmet	S	CRC filed final report in August 2008 but major issues remain unresolved and require achievement of consensus among major faction leaders.
2. Enacting and implementing laws on De-Baathification	(U) unsatisfact.	unmet	S	"Justice and Accountability Law" passed Jan. 12, 2008. Allows about 30,000 fourth ranking Baathists to regain their jobs, and 3,500 Baathists in top three party ranks would receive pensions. Could allow for judicial prosecution of all ex-Baathists and bars ex-Saddam security personnel from regaining jobs. As noted, De-Baathification officials have used the new law to try to harm the prospects of their rivals in March 2010 elections.
3. Enacting and implementing oil laws that ensure equitable distribution of resources	U	unmet	U	Framework and three implementing laws stalled over KRG-central government disputes; only framework law has reached COR to date. Revenue being distributed equitably, and 2009 budget maintains 17% revenue for KRG. Kurds also getting that share of oil exported from newly producing fields in KRG area. Some U.S. assessments say factions unlikely to reach agreement on these laws in the near term.
4. Enacting and implementing laws to form semi-autonomous regions	S	partly met	S	Regions law passed October 2006, with relatively low threshold (petition by 33% of provincial council members) to start process to form new regions, but main blocs agreed that law would take effect April 2008. November 2008: petition by 2% of Basra residents submitted to IHEC (another way to start forming a region) to convert Basra province into a single province "region. Signatures of 8% more were required by mid-January 2009; not achieved.
5. Enacting and implementing: (a) a law to establish a higher electoral commission, (b) provincial elections law; (c) a law to specify authorities of provincial bodies, and (d) set a date for provincial elections	S on (a) and U on the others	overall unmet; (a) met	S on (a) and (c)	Draft law stipulating powers of provincial governments adopted February 13, 2008, took effect April 2008. Implementing election law adopted September 24, 2008, provided for provincial elections by January 31, 2009. Those elections were held, as discussed above.
6. Enacting and implementing legislation addressing amnesty for former insurgents	no rating	unmet	Same as July	Law to amnesty "non-terrorists" among 25,000 Iraq-held detainees passed February 13, 2008. Of 23,000 granted amnesty, about 6,300 released to date. 19,000 detainees held by U.S. being transferred to Iraqi control under SOFA.
7. Enacting and implementing laws on militia disarmament	no rating	unmet	Same as July	Basra operation, discussed above, viewed as move against militias. On April 9, 2008, Maliki demanded all militias disband as condition for their parties to participate in provincial elections. Law on militia demobilization stalled.
8. Establishing political, media, economic, and services committee to support U.S. "surge"	S	met	met	No change. "Executive Steering Committee" works with U.S.-led forces.

Benchmark	July 12, 2007, Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments—May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
9. Providing three trained and ready brigades to support U.S. surge	S	partly met	S	Eight brigades assigned to assist the surge. Surge now ended.
10. Providing Iraqi commanders with authorities to make decisions, without political intervention, to pursue all extremists, including Sunni insurgents and Shiite militias	U	unmet	S to pursue extremists U on political interference	No significant change. Still some U.S. concern over the Office of the Commander in Chief (part of Maliki's office) control over appointments to the ISF—favoring Shiites. Still, some politically motivated leaders remain in ISF. But, National Police said to include more Sunnis in command jobs and rank and file than one year ago. Defense and Interior ministers filed candidacies for the March 2010 elections, involving them in national political contest.
11. Ensuring Iraqi Security Forces (ISF) providing even-handed enforcement of law	U	unmet	S on military, U on police	U.S. interpreted Basra operation as effort by Maliki to enforce law even-handedly. Tribal support councils not even-handed.
12. Ensuring that the surge plan in Baghdad will not provide a safe haven for any outlaw, no matter the sect	S	partly met	S	No change. Ethno-sectarian violence has fallen sharply in Baghdad.
13. (a) Reducing sectarian violence and (b) eliminating militia control of local security	Mixed. S on (a); U on (b)	unmet	same as July 12	Sectarian violence has not re-accelerated. Shiite militias weak.
14. Establishing Baghdad joint security stations	S	met	S	Over 50 joint security stations operated in Baghdad at the height of U.S. troop surge. Now closed in compliance with June 30, 2009, U.S. pull out from the cities. U.S. troops ring cities, including Baghdad.
15. Increasing ISF units capable of operating independently	U	unmet	U	ISF expected to secure Iraq by the end of 2011 under the SOFA, which requires U.S. troops to be out by then. Obama Administration officials say ISF will meet the challenges, although some decrease in U.S. confidence in light of high profile attacks. Iraqi Air Force not likely to be able to secure airspace by then and has requested advanced weaponry, including F-16s.
16. Ensuring protection of minority parties in COR	S	met	S	No change. Rights of minority parties protected by Article 37 of constitution. Minorities given a minimum seat allocated in election law for march vote.
17. Allocating and spending $10 billion in 2007 capital budget for reconstruction.	S	partly met	S	About 63% of the $10 billion 2007 allocation for capital projects was spent.
18. Ensuring that Iraqi authorities not falsely accusing ISF members	U	unmet	U	Some governmental recriminations against some ISF officers still observed.

Source: Compiled by CRS.

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