# 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. Ethnic and factional infighting continues, sometimes involving the questionable use of key levers of power and legal institutions. This infighting—and the belief that holding political power may mean the difference between life and death for the various political communities—significantly delayed agreement on a new government that was to be selected following the March 7, 2010, national elections for the Council of Representatives (COR, parliament). With U.S. intervention, on November 10, 2010, major ethnic and sectarian factions agreed on a framework for a new government, breaking the long deadlock. Their agreement, under which Prime Minister Nuri al-Maliki would serve another term, was implemented in the presentation by him of a broad-based cabinet on December 21, 2010, in advance of a December 25 constitutional deadline.

The difficulty in reaching agreement had multiple causes that could still cause instability over the long term. First among them was the close election results. With the results certified, a mostly Sunni Arab-supported "Iraqiyya" slate of former Prime Minister Iyad al-Allawi unexpectedly gained a plurality of 91 of the 325 COR seats up for election. Maliki's State of Law slate won 89, and a rival Shiite coalition was third with 70, of which about 40 seats are held by supporters of Shiite cleric Moqtada Al Sadr. The main Kurdish parties, again allied, won 43 seats, with another 14 seats held by other Kurdish factions (including 8 by an emerging Kurdish opposition party called Gorran). On the basis of his first place showing, Allawi had demanded to be given the first opportunity to form a government. However, his bloc was unable to win the allegiance of the Shiite blocs, and Iraqiyya reluctantly agreed to join a government headed again by Maliki.

The support of Sunni Muslim neighboring countries was insufficient to restructure the post-election government formation process to Allawi's favor. Iran, which exercises major influence over the Shiite factions in Iraq, worked, with some success, to ensure that pro-Iranian Shiites lead the next government. However, the inclusion of Allawi's bloc in several key posts, and the factional inclusiveness of the new cabinet, indicates that Iran did not meet all of its objectives. Iran may be hoping to increase its influence in Iraq now that a key ally, Al Sadr, personally returned to Iraq on January 5, 2011, following three years of exile for religious studies in Iran. The participation of all major factions in the new government, while stabilizing politically, could complicate efforts to overcome the roadblocks that have thus far prevented passage of key outstanding legislation crucial to attracting foreign investment, such as national hydrocarbon laws. However, there may be early indications that the new government is acting on long stalled initiatives. Although some Iraqi communities, including Christians, have been targeted by attacks in late 2010 and early 2011, the overall human rights situation in Iraq appears to remain at levels vastly improved from those at the height of sectarian conflict (2006-2008).

The long political vacuum, coupled with the drawdown of U.S. forces to about 50,000 and formal end of the U.S. combat mission on August 31, 2010, was perceived as contributing to major high profile attacks in Iraq and a sense of uncertainty and disillusionment on the part of the Iraqi public. Continuing violence, although currently at relatively low levels, has caused some experts to question whether security will deteriorate after all U.S. forces are to depart at the end of 2011. Some believe Iraq could still become a "failed state" after 2011, including territorial clashes between Iraq's Arabs and the Kurdish minority in the north, unless some U.S. troops remain after that time. Sadr and other Iraqi faction leaders insist there be no U.S. troops in Iraq after 2011.

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# Overview of the Political Transition

Iraq has 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, disputes continue over the relative claim of each community on power and economic resources. These disputes permeate 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 structure that is in place 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 5**, 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 which Hashimi leads the Iraqi Islamic Party). Another Accord figure, the hardline Mahmoud

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

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, at the time, 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, by the end of 2006, were considering the U.S. mission as 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).

In early 2007, the United States began a "surge" of about 30,000 additional U.S. forces (bringing U.S. troop levels to about 170.000 at the height of the surge) intended to blunt insurgent momentum and take advantage of growing Sunni Arab rejection of extremist groups. As 2008 progressed, citing the achievement of many of the major legislative benchmarks and a dramatic drop in sectarian violence that was attributed to 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 6**.

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

The passage of key legislation in 2008 (see chart below) and the continued reductions in violence 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") pacified the city and caused many Sunnis and Kurds to see Maliki as 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.)

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 creating or restructuring security organs to report to his office

rather than the Defense or Interior ministries. Through his Office of the Commander-in-Chief, he took direct command of the National Counter-Terrorism Force (about 10,000 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 a later 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]

## 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; Maliki prefers centralization.

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, a proposal strongly opposed by the Kurds. 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.[3]

In the elections, 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,[4] 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.

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

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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] 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

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

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.[5] 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. 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 selected (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).

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 are discussed in **Table 6**. Aside from the victory of Maliki's slate, 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 Iraqi nationalism and strong central government.

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. Others say ISCI was perceived as corrupt, and interested in political gain primarily to enrich its members and supporters.

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

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

Another important trend noted in the 2009 provincial elections was the increasing Sunni entry into the political process. Participating in the provincial elections were Sunni tribal leaders ("Awakening Councils") who had recruited the "Sons of Iraq" fighters and who were widely credited for turning Iraqi Sunnis against Al Qaeda-linked extremists in Iraq. These Sunni tribalists had largely stayed out of the December 2005 elections because their attention was focused primarily on the severe violence in the Sunni provinces, particularly Anbar. These tribal figures were, at the time of the December 2005 election, still intimidated by Al Qaeda in Iraq, which urged Sunnis to stay completely out of the political process. However, 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) and the National Dialogue Council. The main "Iraq Awakening" tribal slate came in first in Anbar Province. The tribalists benefitted from the decline of the IIP and other mostly urban Sunni parties, including the National Dialogue Council.

In Diyala Province, hotly contested among Shiite and Sunni Arab and Kurdish slates, the provincial version of the (Sunni Arab) Accord Front edged out the Kurds for first place, 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 strong showing in the 2009 provincial elections, Maliki was deemed throughout 2009 to be well positioned for the March 7, 2010, COR elections. The elected COR chooses the full-term government, as discussed above. Perceiving Maliki as the likely winner, Maliki was able to include some political competitors in some provinces, including those dominated by Sunni Arabs and Sunni tribalists, into his State of Law coalition. However, Sunnis were not in high positions on his slate, which was still perceived as primarily a Shiite slate.

Maliki derived further political benefit from the U.S. implementation of the U.S.-Iraq "Security Agreement" (sometimes referred to as the Status of Forces Agreement, or SOFA), which 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 President's plan provided for a drawdown of U.S. combat brigades by the end of August 2010—a benchmark which was met—with a residual force of 50,000 primarily for training the Iraq Security Forces, to remain until the end of 2011.

Another interim benchmark in the winding down of U.S. military involvement was provided by the U.S.-Iraq Security Agreement. It 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 (outgoing 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.

As 2009 progressed, Maliki's image as protector of law and order was tarnished by the several high-profile attacks since June 2009, including several major multiple bombing attacks in central Baghdad. Additional bombings took place in Baghdad, Diyala Province, Anbar Province, and elsewhere as the election 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 Interior Minister Jawad Bolani, who headed a rival slate in the elections. (See **Table 1** on major slates in the election.)

# The March 7, 2010, Elections: Coalitions and Political Infighting

Although Maliki began 2009 as a clear favorite to retain his post as prime minister in the March 7, 2010, elections, the disturbances and criticisms during 2009 tarnished his image and created a sense of open competition and an uncertain outcome. Politically, the Shiite factions were divided over who would become the next national leader and could not rebuild their UIA alliance for the March 7 elections, despite urging to do so from Grand Ayatollah Ali al-Sistani, the senior clerical leader in Iraq. A rival Shiite slate emerged as a competitor to Maliki's State of Law—the "Iraqi National Alliance (INA)" was composed of 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.

On the Sunni Arab side of Iraqi politics, the Iraq National Movement ("Iraqiyya") of Iyad al-Allawi had strong appeal. There was also 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.

**Table 1. Major Coalitions for 2010 National Elections**

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|---|---|
| State of Law Coalition<br><br>(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 favored in the 2010 election due to strong showing in 2009 provincial elections. |
| Iraqi National Alliance<br><br>(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 was deputy President Adel Abd al-Mahdi, a moderate well respected by U.S. officials. However, some observers say Chalabi—the key architect of the effort to exclude candidates with Baathist ties—wanted to replace Maliki. This slate was considered close to Ayatollah Sistani, but did not receive his formal endorsement. |
| Iraqi National Movement<br><br>("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 as well as other powerful Sunnis, including Usama al-Nujaifi and Rafi al-Issawi. However, Justice and Accountability Commission (formerly the De-Baathification 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 (decision legislatively reversed after the election). |
| Kurdistan Alliance<br><br>(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 ran its own separate list for the March 2010 elections. However, PUK's ebbing strength in the north did not jeopardize Talabani's continuation as president, although Sunnis sought that position. |
| Unity Alliance of Iraq<br><br>(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 Included Sunni tribal faction led by Shaykh Ahmad Abu Risha, brother of slain leader of the Sunni Awakening movement in Anbar. The list included first post-Saddam defense minister Sadun al-Dulaymi. |
| Iraqi Accordance<br><br>(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. |

**Sources:** Carnegie Endowment for International Peace; various press.

# Election Law Dispute and Final Provisions

While coalitions formed to challenge Maliki, disputes emerged over the ground rules for the election. 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) have the potential to shape the election outcome, the major Iraqi communities were divided over its substance. 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). 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 Tamim (Kirkuk) province, where Kurds feared that the election law drafts would cause Kurds to be underrepresented. 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 guaranteed only a small quota of seats for Iraqis living abroad or who are displaced—and Sunnis believed they would therefore be undercounted because it was mainly Sunnis who had fled Iraq. 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, adopted a new law (December 6, 2009).

## Election Parameters

The compromise version 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 were allocated by province, with the constituency sizes ranging from Baghdad's 68 seats to Muthanna's seven. The COR size, in the absence of a recent census, was based on taking 2005 population figures and addiing 2.8% per year growth. [6] (A new census was scheduled to begin on October 24, 2010, although on October 2, 2010, Prime Minister Maliki postponed the census until at least December 2010. The move presumably was intended to allow time for a full term government to

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

be put in place, which would oversee the census. The census has not begun, as of July 2011.)

- 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.

- No separate electoral constituency for Iraqis in exile, so Iraqis in exile had their votes counted in the provinces where these voters originated.

- An open list election system.

- An election date set for March 7, 2010.

## Flashpoint: Disqualification of Some Prominent Sunnis

The electoral process since the end of 2005 has, to a large extent, been intended to bring Sunni Arabs ever further into the political structure and to turn them away from violence and insurgency. Sunnis boycotted the January 2005 parliamentary and provincial elections and were, as a result, poorly represented in all governing bodies. Sunni slates, consisting mainly of urban, educated Sunnis, did participate in the December 2005 parliamentary elections. This represented an apparent calculation that it would not serve Sunni interests to remain permanently alienated from the political process.

The Sunni commitment to the political process appeared in some jeopardy in the context of a major dispute over candidate eligibility for the elections. Although a Sunni boycott of the elections did not materialize, there was a Sunni Arab perception that the election might be unfair because of this dispute.

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 afterwards.

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 (February 12-15).

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.

The crisis appeared to prompt the February 16, 2010, comments by outgoing General Ray Odierno, the top U.S. commander in Iraq (who was replaced as of September 1, 2010, by his deputy, General Lloyd Austin), that Iran was 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).[7] 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. As of January 2011, about half of them (about 50,000) have been integrated into the ISF or given the civilian government jobs they were promised. However, there are continuing reports that some Sons of Iraq have been dropped from payrolls, harassed, arrested, or sidelined—indications that the Maliki government no longer views the program as useful. The disqualifications issue continued after the election, as discussed below, but has been mostly resolved.

## Election Unlikely to Resolve KRG-Central Government Disputes

The COR elections, by themselves, 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. That was widely interpreted as an Administration admonition not to establish territorial-related preconditions to join a governing coalition after the elections. However, KRG Prime Minister Barham Salih said on June 15, 2010, that Kurdish leaders sought guarantees from Iraq's Arab leaders that, as a condition of providing Kurdish votes for any new governing coalition, 19 specific demands (retaining the presidency for one of their own was one such demand) would be addressed. Although receiving from Maliki only vague assurances on their key demands, the main Kurdish factions eventually threw their weight behind Maliki to continue as prime minister, as discussed below.

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

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, Atheel al-Nufaiji, is the governor (brother of 2010-2014 COR speaker Usama al-Nujaifi), and the Kurds have prevented his visitation of areas of Nineveh where the Kurds' *peshmerga* militia operates.

In part to prevent outright violence, then top U.S. commander in Iraq General Odierno, in August 2009, developed a plan to partner U.S. forces 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. Implementation began in January 2010 and U.S. officials said on August 16, 2010, that the joint (ISF-U.S-Kurdish) patrols, maintenance of checkpoints and training would continue until the U.S. pullout at the end of 2011. Fifteen joint checkpoints were established, but, as of October 2010, the United States had ceased participating at four of them, in concert with the U.S. change of mission to a non-combat role (Operation New Dawn) on September 1, 2010. There has been some speculation that a United Nations force could take over this mediating and confidence-building role thereafter, although it is not clear that this idea is supported by the Iraqi factions involved. There is also speculation that some U.S. forces might be asked to remain after 2011 to continue the confidence-building mission.

Additional friction was created in the context of 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 did not hold the referendum.

### Intra-Kurdish Divisions

Further complicating the post-COR election landscape were widening divisions within the Kurdish community. 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 the KDP. KRG President Masoud Barzani, leader of the KDP, easily won reelection against weak opposition. Gorran ran its own list in the March 2010 elections and constituted a significant challenge to the Kurdistan Alliance in Sulaymaniyah Province, according to election results. As a result, of the 57 COR seats held by Kurds, 14 are held by parties other than the Kurdistan Alliance. Gorran has 8, the Kurdistan Islamic Union has 4, and the Islamic Group of Kurdistan has 2.

### The Sadr Faction and Its Position

As noted above, Sadr was part of 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.

The Sadr faction was extensively involved in bargaining over the next government and, for the first six months after the election, took the stance that Maliki should be replaced by another Shiite. However, the shift by the faction in late September 2010, including public outreach to its followers in Iraq as to what would be the implications of supporting Maliki's re-selection, was decisive in Maliki's success in achieving another term as prime minister. In return, as discussed below, Sadrists hold several seats in the cabinet Maliki presented on December 21, 2010. The Sadrists also reportedly were promised Maliki's support to select a Sadrist as a new governor for Maysan Province, which includes the Sadrist stronghold of Amarah.

At the same time, there are reports that the Sadrist and offshoot Shiite militias—for now still disarmed—may be planning to reactivate. If these reports are accurate, they could suggest that the Shiite militias sense a power vacuum in top leadership and see militia activity as a means to ensure political influence. In addition, the Sadr faction is said to be using its fundraising ability to develop charity and employment networks that rival or displace those of the central government—employing a political model similar to that of Hizballah in Lebanon.[8]

## Election and Results

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. 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.

The final count was announced on March 26, 2010, by the IHEC. As noted in **Table 2** below, 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 (Article 73) mandates that the COR "bloc with the largest number" of members gets the first opportunity to form a government. On that basis, Allawi had demanded to be given the first opportunity to put together a majority coalition and 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, laying the groundwork for Allawi to be denied the right to the first opportunity to form a government.

The vote was to have been certified by April 22, 2010, but factional wrangling delayed this certification. 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

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[8] Healy, Jack. "Cleric's Anti-U.S. Forces Poised for Gains in Iraq." New York Times, December 20, 2010.

Representative for Iraq Ad Melkert, indicated that there was no cause, at that 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. The recount in the province, which has 68 elected seats, was completed on May 15, 2010, and did not result in an alteration of the seat totals. This followed a few days after the major factions agreed to put aside any disqualifications of winning candidates by the Justice and Accountability Commission. With the seat count holding, the way was set for Iraq's Supreme Court to certify the results, with the subsequent steps to form a government to follow.

The final certification came on June 1, 2010, and the following timelines applied:

- Fifteen days after certification (by June 15), the new COR was to be seated and to elect a COR speaker and deputy speaker. (The deadline to convene was met, although, as noted, the COR did not elect a leadership team and did not meet again until November 11, 2010.)

- After electing a speaker, but with no deadline, 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 first full term government.)

- Within another 15 days, the largest COR bloc is tapped by the president to form a government. (The selection of a president occurred on November 11, 2010, and Maliki was formally tapped to form a cabinet on November 25, 2010.)

- Within another 30 days, (by December 25), the prime minister-designate (Maliki) is to present a cabinet to the COR for confirmation (by majority vote).

## Post-Election Government

In accordance with timelines established in the Constitution, the newly elected COR did convene on June 15, 2010. However, the session ended after only 18 minutes and, because of the political deadlock, it did not elect a COR leadership team. Under Article 52 of the Constitution, the "eldest member" of the COR (Kurdish legislator Fouad Massoum) became acting COR speaker. During the period when no new government was formed, the COR remained inactive, with most COR members in their home provinces, but still collecting their $10,000 per month salaries.

Allawi's chances of successfully forming a government appeared to suffer a substantial setback in May 2010 when Maliki's slate and the rival Shiite INA bloc agreed to an alliance called the "National Alliance." However, the alliance was not able to agree to a prime minister selectee, with the Sadr faction and ISCI opposing Maliki. With no agreement, the COR aborted its second meeting scheduled for July 27, 2010. On August 3, 2010, the disagreements broke up this putative alliance.

The various factions made little progress through August, as Maliki insisted he remain prime minister for another term. Some observers believe that bilateral meetings among bloc leaders would not resolve the impasse and that only a broad meeting of the four major COR blocs—Maliki's bloc; the INA, Allawi's Iraqiyya, and the Kurdistan Alliance—and discussing all

outstanding issues that face Iraq—would result in an agreement on a government. With the factional disputes unresolved, Maliki remained prime minister in a caretaker role. Some observers assert that he continued to govern beyond a caretaker mandate and had little incentive to see a new government formed.

With the end of the U.S. combat mission on August 31, 2010, approaching, the United States reportedly stepped up its involvement in political talks. Some discussions were held between Maliki and Allawi's bloc on a U.S.-proposed formulas under which Allawi, in return for supporting Maliki, would head a new council that would have broad powers to rival those of the prime minister. Alternate proposals had Allawi being given the presidency, although the Kurds refused to cede that post to another community, fearing loss of leverage on other demands. The Kurds' insistence was despite the fact that there would not be a "presidency council" with an executive veto in the next government—the transitional provision for that power expired after the first four year government ended. No agreement on the U.S.-backed proposals was announced, even though there was an expectation that the August 10-September 11, 2010, Ramadan period would give ample time for the blocs to reach an agreement.

On October 1, 2010, Iraq became a country with the distinction of having gone longer than any other country without an agreed government following an election. Part of the difficulty forming a government was the close result, and the dramatic implications of gaining or retaining power in Iraq, where politics is often seen as a "winner take all" proposition. Others blamed Allawi for the impasse, claiming that he was insisting on a large, powerful role for himself even though he could not assemble enough COR votes to achieve a majority there.

## Political Resolution

On October 1, 2010, Maliki, possibly due to Iranian intervention, received the backing of most of the 40 COR deputies of Shiite cleric Moqtada Al Sadr, bringing Maliki within striking distance of obtaining the necessary votes to obtain another term as prime minister. The United States reportedly was alarmed at the prospect that Maliki might be able to form a government primarily on the strength of Sadr's backing, but, in early November 2010, the United States, Allawi, and many of the Sunni Arab regional states acquiesced to a second Maliki term. The key question that remained was whether Maliki, and Iraq's Kurds—who held the swing vote that could determine the next government—would agree to form a broad based government that meets the demands of Iraqiyya for substantial Sunni Arab inclusion. Illustrating the degree to which the Kurds reclaimed their former role of "kingmakers," Maliki, Allawi, and other Iraqi leaders met in the capital of the Kurdistan Regional Government-administered region in Irbil on November 8, 2010, to continue to negotiate on a new government. (Sadr did not attend the meeting in Irbil, but Iraq National Alliance leader Ammar Al Hakim did.)

On November 10, 2010, with reported direct intervention by President Obama by phone, Allawi agreed to direct his bloc to support another Maliki term, to support another term for Kurdish leader Jalal Talabani as president, and to join the government. In exchange, according to several press accounts, an Iraqiyya figure would become COR Speaker, another (perhaps Allawi himself) would chair the enhanced oversight body discussed above, though renamed the "National Council for Strategic Policies,"[9] and a member of the bloc would be named foreign minister. Some observers praised the agreement as helpful to U.S. policy because an agreement was signed

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[9] Fadel, Leila and Karen DeYoung. "Iraqi Leaders Crack Political Deadlock." *Washington Post*, November 11, 2010.

among major factions, in Baghdad, with Masoud Barzani and U.S. Ambassador to Iraq James Jeffries attending. The agreement did not specify concessions to the Sadr faction, which observers viewed as a setback to Iran's policy of supporting Shiite militant factions.

The November 11, 2010, COR session that would implement the agreement was held, and Iraqiyya figure Usama al-Nujaifi was elected COR speaker, as agreed. However, Allawi and most of his bloc walked out after three hours over the refusal of the other blocs to readmit the three members of the Iraqiyya bloc that had been disqualified from running for the COR by the "Accountability and Justice Commission" (see above on the disqualification crisis). The walkout raised U.S. and other fears that the agreement might immediately unravel, but the remaining COR members were sufficient for a quorum and Talabani was re-elected president after two rounds of voting. Fears were calmed on November 13, 2010, when most of Allawi's bloc attended the COR session and continued to implement the settlement agreement; Allawi himself did not attend, instead traveling to Britain. On November 25, 2010, Talabani formally tapped Maliki as the prime minister-designate, giving him 30 days (until December 25) to name and achieve majority COR confirmation for a new cabinet.

## New Government Takes Shape[10]

The stage was set for a new cabinet to be announced after December 19, when Allawi reaffirmed his intent to join the government. Allawi's assurance came the same day that the COR voted (with barely a quorum achieved after a Shiite walkout of the vote) to reinstate to politics the three senior members of his bloc, including Saleh al-Mutlaq, who had been barred from the March 2010 election by the Justice and Accountability Commission (see above section on the disqualification crisis). Mutlaq was subsequently named one of the three deputy prime ministers. On December 21, 2010, in advance of the December 25, 2010, deadline, Maliki presented a cabinet to the COR, receiving broad approval. However, no permanent appointments were named for seven ministries—including the three main security ministries: Defense, Interior, and National Security (intelligence). Still, the government formed was inclusive of all major factions. Among major outcomes:

- As for the State of Law list, Maliki remained prime minister, and retained the Defense, Interior, and National Security minister of state posts pending permanent nominees for those positions. Another member of the list (Dawa Party) become first deputy president. In addition, the coalition received seven cabinet posts: Hussein Shahristani, previously the oil minister and a member of State of Law, was elevated to a deputy prime ministership, with a focus on the energy sector. A member of State of Law, possibly Adnan al-Assadi, is likely to become interior minister.

- For Iraqiyya, in addition to Mutlaq becoming a deputy prime minister, Tariq al-Hashimi remains one of three deputy presidents. The faction also obtained 10 out of the 42 seats of the cabinet (which includes the prime minister, three deputy prime ministers, and 38 ministries and minister of state posts). A senior Iraqiyya figure, Rafi al-Issawi (previously a deputy prime minister), was appointed finance minister. Iraqi figures say that Iraqiyya, possibly former Interior Minister Falah al-Naqib, might get the defense minister post.

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[10] The following information is taken from Iraqi news accounts presented in: http://www.opensource.gov

- For the Iraqi National Alliance, a senior figure, Adel Abdul Mahdi, remains one of the three deputy presidents. It also obtained 12 cabinet positions, parceled out among its various factions. Another, technocrat Abd al Karim Luaibi, was appointed oil minister. A member of the INA coalition's Fadila party faction, Bushra Saleh, became a minister of state without portfolio and is the only woman in the cabinet. Another Fadila activist was named minister of justice.

- Sadrist figures—part of the INA—were named to the following ministries: Housing, Labor and Social Affairs, Ministry of Planning (acting, same as labor minister) Tourism and Antiquities, and one ministry of state position. A Sadrist also is one of two deputy COR speakers. These positions are relatively junior within the cabinet and appeared to represent less influence for the Sadrists than was anticipated when Sadr threw his backing to Maliki in October. However, as noted, the Sadr faction receive some compensatory influence in support for one of its members becoming governor of Maysan Province. Although the Sadr faction may not have emerged as prominent in the cabinet as was expected, the faction was energized on January 5, 2011, by the return to Iraq, from his studies in Iran, of Moqtada Al Sadr. Some of his post-return comments and implications of his return are discussed below.

- The Kurdistan Alliance received major posts. Talabani stays as president; and the third deputy prime minister is Kurdish figure (PUK faction) Rows Shaways, who has served in various central and KRG positions since the fall of Saddam. Kurdish (KDP) stalwart Hoshyar Zebari, who has been foreign minister since the transition governments that followed the fall of Saddam, remains in position. However, there is also a minister of state for foreign affairs Iraqiyya had been promised the Foreign Ministry in the November 10 agreement but Iraqiyya agreed to cede that post. Arif Tayfour is second deputy COR speaker.

- Another element of continued uncertainty is that the "National Council for Strategic Policies" concept has not specifically been voted on by the COR. Current proposals call for the council to include the prime minister, president, their deputies, and a representative of all major blocs—and for decisions of the council to be binding on Maliki if they achieve support of 80% of the council members. However, because it is unclear that these powers will be accorded the council, it is not certain whether Allawi himself will accept heading the body.

# Related Governance and Regional Issues, and Implications for U.S. Policy

In terms of immediate Iraqi legislative business, the COR is needed to pass the calendar year 2011 budget. A draft $67 billion budget was submitted to the COR on December 18 and is reportedly under consideration now that the cabinet and COR are both seated. U.S. officials are looking to the formation of the new government to overcome longer term roadblocks that have prevented passage of legislation considered crucial to political comity in the future, such as national hydrocarbon laws, which are needed to encourage foreign investment in Iraq's relatively undeveloped energy sector. 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. Moreover, many Iraqis blamed the long political deadlock, in part, for the government's inability to alleviate severe shortages of electricity during Iraq's characteristically hot summer. Iraqis who cannot afford their own generators, or to share a generator with a few other homes, can count on only two hours of power per day.

# General Human Rights Issues

U.S. and international officials are hoping that the 2010-2014 government will make further progress establishing rule of law and adherence to international standards of human rights. The State Department's report on human rights for 2009 released March 11, 2010, repeated the previous year's characterizations of Iraq's human rights record as follows: "Insurgent and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses."[11] The State Department report cites a wide range of human rights problems committed by Iraqi government security and law enforcement personnel, including: arbitrary or unlawful killings; torture and other cruel punishments; poor conditions in prison facilities; denial of fair public trials; arbitrary arrest; arbitrary interference with privacy and home; limits on freedoms of speech, assembly and association due to sectarianism and extremist threats; lack of protection of stateless persons; widescale governmental corruption; human trafficking; and limited exercise of labor rights. Many of these difficulties are likely to be cited in the State Department report for 2010, due out in February 2011.

## Media and Free Expression

While State Department and other reports attribute most of Iraq's human rights difficulties to the security situation and factional infighting, apparent curbs on free expression appear independent of such factors. The State Department human rights report for 2009 noted numerous laws that restrict press freedoms, and instances in which officials have beaten or intimidated journalists who try to do their work. In some past cases, Maliki has sued publications that have written articles alleging corruption or nepotism on his part.

## Labor Rights

A 1987 (Saddam era) labor code remains in effect. It virtually rules out independent union activity. Unions have no legal power to negotiate with employers or protect workers' rights through collective bargaining.

## Situation of the Christian Religious Minority

In regards to human rights, a major concern is the safety and security of Iraq's Christian population, which is concentrated in northern Iraq as well as in Baghdad. Attacks on members of the community appear to occur in spates. In the run-up to the January 2009 provincial elections, about 1,000 Christian families reportedly fled the province in October 2008, although Iraqi officials report that most families returned by December 2008. The issue faded in 2009 but then

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[11] Report is at: http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm

resurfaced late in the year when about 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. On October 31, 2010, a major attack on Christians occurred when a church in Baghdad was besieged by militants and about 51 worshippers were killed. The siege shook the faith of the Christian community in their security. Several other attacks appearing to target Iraqi Christians have taken place since.

Some Iraqi Christians blame all the various attacks on them on Al Qaeda in Iraq, which is still somewhat strong in Nineveh Province and which associates Christians with the United States. The U.N. Assistance Mission—Iraq (UNAMI) coordinated humanitarian assistance to the Christians and others displaced. Previously, some human rights groups alleged Kurdish abuses against Christians and other minorities in the Nineveh Plain, close to the KRG-controlled region. Kurdish leaders deny the allegations. The FY2008 consolidated pppropriation earmarked $10 million in ESF from previous appropriations to assist the Nineveh Plain Christians. A supplemental appropriation for 2008 and 2009 (P.L. 110-252) earmarked another $10 million for this purpose. The Consolidated Appropriations Act of 2010 (P.L. 111-117) made a similar provision for FY2010.

Before the latest rounds of violence against Christians, about 400,000 Christians had left Iraq since the fall of Saddam Hussein—a large proportion of the approximately 1 million Christian population that was there during Saddam's time. Christian priests have been kidnapped and killed; the body of Chaldean Catholic archbishop Faraj Rahho was discovered in Mosul on March 13, 2008, two weeks after his reported kidnapping. However, some Christians in Baghdad have felt safe enough to celebrate Christmas at churches in Baghdad since 2007. An attack on the Yazidis in August 2007, which killed about 500 persons, appeared to reflect the precarious situation for Iraqi minorities. Even at the height of the U.S. military presence in Iraq, U.S. forces did not specifically protect Christian sites at all times, partly because Christian leaders do not want to appear closely allied with the United States.

## Regional Dimension

For Iraq's neighbors as well as for the United States, the stakes in the outcome of the political process in Iraq have been high. First and foremost, according to most experts, the United States sought to prevent the emergence of a governing coalition that left Sunni Arabs disillusioned, and which bolstered the influence of pro-Iranian factions that do or could again wield arms for political purposes. The key U.S. objectives appear to have been met, in large part because of the inclusion of senior Iraqiyya figures in high positions and the less-than-expected profile of Sadrists in the new cabinet. The relatively junior ministries assigned to Sadrist figures could be interpreted by many as a setback to Iranian influence.

However, the sense of ethno-sectarian reconciliation produced by the government that has been formed could be subject to reversal over the longer term. Iran reportedly was a key broker of the decision by the Sadrists to support Maliki, raising the potential for Iran to continue to support Sadrist interests and influence over time. In addition, Iran's influence may be increased by Sadr's return to Iraq on January 5, 2011, after which he has made major statements and speeches insisting that all U.S. troops leave Iraq at the end of 2011 and that working for foreign oil companies in (mostly Shiite) southern Iraq is not allowed.

The United States sought to achieve a government that can integrate with all of Iraq's neighbors, including Saudi Arabia, Jordan, and Turkey. That objective also appears to have been reached, although the degree of acceptance for the new government might depend on how much influence

the new National Council for Strategic Policies has as a counterweight to the power of the prime minister. Allawi had been favored for prime minister by the Sunni-dominated regional neighbors such as Saudi Arabia and even by Syria, which is mostly Sunni but allied with Iran. Syria hosted numerous meetings among faction leaders, although no agreement was reached among them under Syrian sponsorship.

As a possible indication of greater acceptance of the Iraqi government by Sunni regional states, Kuwait's prime minister visited Iraq on January 12, 2011. On the other hand, Saudi Arabia has not, to date, opened its embassy in Baghdad, a move the United States has long urged.

## Implications for the Wind Down of the U.S. Military Mission

The U.S. interest in a stable Iraq appears to have been served by the formation of the new Iraqi government in December 2010. The long political vacuum, coupled with the drawdown of U.S. forces to 50,000 and the formal end of the U.S. combat mission on August 31, 2010, was perceived as contributing to major high profile attacks and a sense of uncertainty and disillusionment on the part of the Iraqi public. Although overall levels of violence are 90% lower than they were at the height of the sectarian conflict of 2006-2007, there were several significant politically motivated assassinations and other violence in the months before the government was formed. For example, a suicide bombing at an Iraqi Army recruiting station in Baghdad in August 2010 killed nearly 60 Iraqis; the Islamic State of Iraq, an umbrella group that includes Al Qaeda in Iraq, claimed responsibility. A wave of approximately 15 bombings across Baghdad on the night of November 2, 2010, killed at least 60 Iraqis and shook confidence in the ability of the government to protect the population. Motives and suspects of most of the continuing violence include not only Al Qaeda in Iraq but also Shiite militia forces seeking to assassinate any Sunnis who have political power. A tactic increasingly in use appears to be adhesive or magnetic bombs attached to officials' vehicles.

Although it did not delay the ending of the U.S. combat mission, the continuing violence has caused some experts to question whether stability will continue after all U.S. forces are to depart at the end of 2011. That is the date set by the 2009 U.S.-Iraq Security Agreement for the complete withdrawal of U.S. forces, although that agreement could be amended. Some believe that the reduction in U.S. leverage and influence in Iraq already under way will allow rifts among major ethnic and sectarian communities to widen to the point where Iraq could still become a "failed state" after 2011, unless some U.S. troops remain after that time. Retaining U.S. troops in Iraq beyond 2011 would require the re-negotiation of the U.S.-Iraq "Security Agreement," which entered into force on January 1, 2009. However, the prolonged delay in the formation of a government meant that there has been no counterpart Iraqi team in place to begin such negotiations. On the other hand, the government has been formed with enough time to renegotiate amendments to the Security Agreement before its expiry at the end of 2011, if a mutual decision is reached that substantial numbers of U.S. forces are requested after 2011. It is possible that there will be a decision not to retain large numbers of U.S. forces, but only to establish a large (1,000 person) military liaison office engaged mostly in training and assisting Iraq in the use of U.S. arms sold to Iraq, such as combat aircraft. It is not clear whether such an arrangement would require formal amendment of the security agreement.

As to the politics of any extension of the U.S. presence, Sadr, as noted, is pushing for a complete U.S. withdrawal by the end of 2011, with no extensions of the Security Agreement or other arrangements for a continued U.S. military presence in Iraq. Vice President Biden visited Iraq on

January 14, 2011, in part to highlight the successful formation of a government, and said the United States remains committed to the full withdrawal by the end of 2011.

As U.S. forces draw down, the State Department will transition to the lead U.S. agency in Iraq, with all attendant responsibilities. There is a vibrant U.S. debate over whether the State Department, using security contractors, will be able to fully secure its personnel in Iraq if all U.S. forces were to depart. Some believe that there will need to be a substantial DOD presence in Iraq after 2011, if only to protect U.S. personnel in Iraq.

No matter the outcome of that debate, State Department officers will continue to promote Iraqi political reconciliation and peaceful dispute resolution. **Table 3** provides information on U.S. assistance to promote Iraqi democracy and peaceful political competition and consensus building. If Iraq's major factions have permanently shifted away from supporting violence and toward peaceful political competition, some might argue that U.S. funding has contributed to that transition. Others might argue that the change was caused by numerous factors, such as the improvement of security and rejection of foreign terrorist influence, and that it is virtually impossible to assess the contribution made by U.S. assistance.

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

| 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 |
| 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<br>Maliki: 87 + 2 compensatory = 89<br>INA: 68 + 2 compensatory = 70 (of which about 40 are Sadrist)<br>Kurdistan Alliance: 42 +1 compensatory = 43<br>Unity (Bolani): 4<br>Accordance: 6<br>other Kurdish: 14<br>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.

# Other Elections Possible

There had been speculation that the March COR 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.[12]

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. No date for these elections has been announced, suggesting a delay beyond 2010.

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 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. Recent Democracy Assistance to Iraq

(in millions of current US$)

|  | FY2009 | FY2010 (est.) | FY2011 (req.) |
|---|---|---|---|
| Rule of Law and Human Rights | 46.55 | 73.50 | 22.50 |
| Good Governance | 143.64 | 117.00 | 90.33 |
| Political Competition/Consensus-Building | 41.00 | 50.50 | 30.00 |
| National Endowment for Democracy | 3.59 | 0 | 0 |
| Totals | 322.31 | 326.50 | 175.33 |

USAID Foreign Assistance Database, July 26, 2010.

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

**Table 4. 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 5. 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 6. 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 used this law to try to harm the prospects of 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. have been transferred to Iraqi control under Security Agreement. |
| 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 longer applicable; U.S. "surge" has ended and U.S. troop total in Iraq now about 50,000, down from about 170,000 at the 2008 height of the surge. |

| 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 | No longer applicable. Eight brigades were assigned to assist the surge when it was in operation. |
| 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. Ssome 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, and still widespread Iraqi public complaints of politically-motivated administration of justice. |
| 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 longer applicable with end of surge. 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. Closed in compliance with June 30, 2009, U.S. pull out from the cities. |
| 15. Increasing ISF units capable of operating independently | U | unmet | U | ISF expected to secure Iraq by the end of 2011 under the Security Agreement, which requires U.S. troops to depart. Obama Administration officials say ISF will meet the challenges. Iraqi Air Force not likely to be able to secure airspace by then and DOD has approved potential sale to Iraq of F-16s and other major equipment. |
| 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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