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# IRAQ: A VOTE AGAINST SECTARIANISM

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Although elections on their own are not a sufficient condition of democracy, they are certainly a necessary element in postauthoritarian democratic transitions. Moreover, third and subsequent electoral cycles are considered more potent indicators of the robustness of democratic transition than the first or even second postauthoritarian balloting. It was thus hardly surprising that the approach of Iraq's 7 March 2010 general election (the fifth vote held nationwide since Saddam Hussein's fall if one counts two elections to fill local-government posts)<sup>1</sup> generated a healthy dose of curiosity and anticipation among analysts of Iraq as well as students of democratization in general.

This was especially so since in the previous general election, held on 15 December 2005 amid pervasive instability and recurrent violence, voters *en masse* turned to their primordial loyalties, with the secular al-Iraqiya coalition of former premier Ayad Allawi receiving barely 8 percent of the total vote. The largest vote getter (46.5 percent) was the United Iraqi Alliance (UIA), a coalition defined solely by Shia solidarity. The Kurdistan Alliance received its votes almost exclusively from the Kurds who predominate in the northernmost trio of Iraq's eighteen provinces, and the Sunni-sectarian Tawafuq group (also known as the Iraqi Accord Front) ended up with over 80 percent of the Sunni vote.<sup>2</sup> The spectacle of an election in which the vote breakdown almost perfectly mirrored Iraq's major ethnic and sectarian cleavages left analysts less than sanguine about democracy's prospects there.

By contrast, the strong showing of secular and nationalist groups in March 2010 voting that was generally seen as free and fair, that drew 62

percent of registered voters to the polls, and that went forward in an atmosphere of increasing normalcy, has raised hopes that primordial loyalties might be giving way to a more issue-oriented form of politics. This time, the Iraqiya list and its vigorously secular platform drew the largest vote share at 26 percent. Iraqiya obliterated Tawafuq in the Sunni regions, and did well enough in Baghdad and the south to suggest that its appeal was finding hearers even in the Shia heartland. Finishing a close second was the Dawlat al-Qanun or State of Law Coalition (SOL) headed by sitting prime minister Nuri al-Maliki, a Shia politician who had broken away from the UIA, denigrating its sectarianism and running on a strict Iraqi-nationalist platform. Indeed, the Iraqi National Alliance (INA), the Shia-sectarian offshoot of the UIA, ended up in third place with 19 percent of the vote, less than half of what its earlier incarnation had received in 2005.

The turnover of legislators was massive, with only 62 incumbents remaining in the newly expanded National Assembly, a unicameral body that went from 275 to 325 seats. Among the legislators who lost their places were prominent personalities of the old order. A *New York Times* headline summed up the new sentiment: "The Iraqi Voter Rewrites the Rulebook."<sup>3</sup> The voters were making the point that they no longer blindly followed their primordial instincts, and that they intended to hold their leaders accountable.

In fact, this message already had been sent via the 31 January 2009 provincial elections in Baghdad and the Shia south, when the INA, which held most of the seats in the provincial councils, was drubbed by the SOL. That same year saw a new "upstart" party called Gorran (Change) challenge the dominance of the Kurdistan Alliance in the north. Running on an anticorruption platform, Gorran won just under a quarter of the vote and 25 of 111 seats in the 2009 voting for the parliament of the autonomous Kurdistan region.

The shift in voter preferences that became manifest in the 2009 and 2010 elections could be traced back to the spring of 2008. In the preceding two years, beginning with the terrorist bombing of the Shias' Golden Mosque at Samarra on 22 February 2006, the Sunni insurgency and the Shia militias had turned Iraq into a bloody and lawless land where state institutions could do little to protect citizens. The inability of the state to project power and impose order on the array of armed substate groups that roamed at will threatened to destroy whatever confidence was left in the institutions of governance.

By the end of 2007, the government's authority had sunk to near irrelevance. Maliki became a predictable target for critics both foreign and domestic. He was belittled for being weak and ineffectual, for being crucially beholden to various Shia groups and grandees, and for consistently choosing least-common-denominator options, aimed at not alienating anyone, that achieved little of substance.

Whether he was spurred by the approach of the 2009 and 2010 elec-

tions, or by the calculation that subnational predatory groups had lost popular support, Maliki decided in the spring of 2008 that it was time to assert the state's authority by imposing its armed might. The "surge" in U.S. troop strength, combined with U.S. efforts to coax the Sunni tribes away from al-Qaeda, had proved largely successful in the Sunni regions, leaving the Shia irregulars of Muqtada al-Sadr's so-called Mahdi Army as the biggest single organized challenge to state authority. Mahdi Army gunmen controlled Sadr City in Baghdad and roamed the streets, literally unchallenged, in a number of Shia cities in the south, intimidating residents and Iraqi security forces alike. In Basra, the vast Shia metropolis that forms Iraq's window on the Persian Gulf, Sadr's private army imposed a Taliban-like orthodoxy, turning the city into a grim reminder of the tyranny of religious zealotry. Maliki's repeated appeals to Sadr to rein in his men fell on deaf ears. When Maliki switched to threats of force, Sadr contemptuously dismissed him as a U.S. stooge.

### **The Security Forces in Action**

Maliki's threats were not empty. In late March 2008, Iraqi security forces launched a massive assault on the Mahdi Army in Basra. At first, the military effort sputtered, but by early May government forces backed by U.S. and British air power had taken control of the city and established a measure of normalcy. Before long, the pattern was repeating itself in other cities and towns of the Shia south. Later that month, after repeated clashes with the Mahdi Army, more than ten-thousand Iraqi troops entered Sadr City and quickly deployed throughout its neighborhoods, bringing to this troubled section of greater Baghdad a calm whose like had not been seen since 2003.

In most of the affected areas, the security forces' rollout marked the first time in years that the state had been able to establish a predominant, and much welcomed, presence. A similar process had occurred in the Sunni provinces with the near-expulsion of al-Qaeda fighters, this time by tribal elements encouraged, armed, and paid by the United States. While perhaps different in their purpose and operational methods, both processes resulted in a new milieu of relative security that was bound to reinforce the agents of the state while tipping the balance away from the political and paramilitary groups that were its foes in this power struggle.

These military successes were bound to have political effects. Sunni lawmakers and politicians who had feared Maliki as a sectarian and become estranged from him were buoyed by his move against the Shia militia. Many publicly voiced support for his policies. Tensions in the National Assembly eased, which helped to make possible the breaking of a months-long deadlock regarding a provincial-elections law to cover all the provinces except the three Kurdish governorates of Irbil, Sulaymaniya, and Dohuk, plus the disputed province of Kirkuk.

In preparing for the provincial elections, the prime minister exploited the new mood shrewdly. Endeavoring to distance himself from the sectarian label of his own Shia Dawa party, a member of the larger Shia UIA, Maliki founded State of Law as his electoral vehicle. Its name expressed what people had been demanding and hoping for since 2005—a “state” capable of bringing anarchic forces to heel in the name of a universally applicable “law” behind whose shield all honest citizens could dwell unmolested. Maliki and his allies pushed this message relentlessly in the January 2009 campaign, utilizing the powers of the state in more than just a virtual and abstract fashion. During the campaign, Maliki made promises—to create jobs, to build and repair roads and canals, to improve health and education—that he was clearly counting on state authority to underwrite. Reflecting a lesson learned from U.S. successes in drawing the Sunni tribes away from al-Qaeda, he also offered the Shia tribes financial inducements from state coffers.

Even in the Sunni areas, where support for Maliki and SOL was uncertain at best, the emphasis on the state had an impact on the elections by undermining traditional leaderships with religious proclivities and sectarian attitudes, bringing to the fore political actors who were more national and secular in their attitudes. Much of this was associated with the rise of the tribes as a political force. Long motivated by self-interest, they recognized that an alliance with the state would serve them best.

The 2009 provincial elections confirmed the ascendancy of forces and groups that favored a centralizing state capable of facing down sectarian and fissiparous forces. The SOL was the biggest winner. It garnered more votes than any other electoral entity in no fewer than nine of the fourteen provinces, scoring impressive high-30s vote percentages in Baghdad and Basra. In only two provinces, Anbar and Nineveh, did Maliki’s list fail to get at least one council seat.

Losing ground in the Sunni-majority provinces of Anbar, Diyala, Salah al-Din, and Nineveh were such established groups as Tawafuq and the Iraqi Islamic Party, which had been dominant forces in the Sunni politics of the post-Saddam era. The results favored groups and coalitions that espoused nationalist principles and advocated the political and administrative unity of Iraq. The virulently nationalist (and, it must be said, anti-Kurdish) Hadba group in Nineveh received almost 50 percent of the vote there. Another party headed by the nationalist and secular politician Saleh Mutlaq did very well in Anbar and Diyala, as did the tribal Sahwa lists in Anbar. Although no political phenomenon should be explained by reference to just one factor, it is reasonable to argue that the election results did show strong voter support (outside the Kurdish areas) for the concept of a centralizing national state, a conclusion that would not go unnoticed by political parties and leaders as they began to prepare for the 2010 general elections.

Buoyed by SOL’s strong provincial showing, Maliki spent 2009 distancing himself even further from the old Shia alliance to which he had

once belonged. He condemned sectarian splits and called instead for policies and initiatives that would appeal across such cleavages.<sup>4</sup> To this end, he spent a good part of that year courting secular and Sunni politicians and tribal leaders in an effort to create a grand nonsectarian coalition. The fruits of his endeavors, however, did not match his hopes. By October, his State of Law list included 35 political entities. In addition to his own Dawa party, there were a number of independent and able Shia personalities, but the secular and non-Shia members were not figures of much prominence. Despite this disappointment, Maliki could still claim that his coalition possessed an Iraqi-nationalist orientation which set it apart from other heavily Shia groupings.

Going head-to-head against SOL in the south would be the new INA, formed on the remains of the old UIA Shia list. Made up of 32 parties, groups, and individuals, and with no more than a token smattering of Sunnis, the INA's sole glue was Shia identity. Among the strange bedfellows found under its sheet were Muqtada al-Sadr and the Islamic Supreme Council of Iraq (ISCI) headed by Sadr's fellow young cleric, Ammar al-Hakim. The Sadrs and the Hakims are prominent clerical families who have long been intense rivals for the spiritual leadership of Iraq's Shias. These two young men were at odds personally, and their followers had fought many bloody battles in the south. Violent clashes also had raged in Basra between Sadr's Mahdi Army and the Fadhila party, another member of the INA. And in the midst of all this there were non-clerical Shias who probably were part of the alliance because they did not have enough support on their own to mount a credible campaign—men such as Ibrahim al-Jaafari, another ex-prime minister, and the mercurial Ahmad Chalabi. The INA, in short, was a rickety coalition that had come into being mainly because its members realized that they were in grave danger of being swept away by the SOL across the Shia south.

Unlike Maliki with his roots in Dawa, his fellow Shia Ayad Allawi had impeccable nonsectarian credentials. He was an ex-Baathist who had broken with Saddam and fled into exile in the 1970s. Allawi's Iraqiya coalition had run in all previous elections on a secular and nationalist platform, showing that he was not afraid to swim against the sectarian tide. He also bore the burden of having been appointed, amid the widespread violence of 2004, by the departing U.S. occupation authorities and the UN as Iraq's first post-Saddam prime minister. The 2005 election had brought Allawi stinging defeat. Sensing this time a shift in popular attitudes, he remodeled Iraqiya into a coalition of eighteen parties and groups centered mainly on Baghdad and the Sunni provinces to the north and west of the capital. Allawi was able to recruit some of the most prominent Sunni leaders and a few Shia personalities who supported or at least tolerated the party's vigorously secular message.

The last of the main coalitions girding for the hustings was the Kurdistan Alliance. It consisted mainly of the Kurdish Democratic Party

(KDP) under Masoud Barzani, the president of the Kurdistan region, and the Patriotic Union of Kurdistan (PUK) under Jalal Talabani, who had been serving as Iraq's president (an office filled by vote of the National Assembly) since 2005.

In addition to the SOL, the INA, Iraqiya, and the big Kurdish coalition, another 82 parties and coalitions ran. Only five of these were able to win seats. Excluding the eight seats that were reserved for religious minorities, the four main coalitions ended up dividing more than 92 percent of the Assembly among themselves.

## The Electoral System

The electoral system adopted for the 2010 elections was modeled on the one that had been used in the 2009 provincial elections. That system had added to the party-list proportional representation (PLPR) method in use since 2005 a significant modification: the "open" list. It was the latest wrinkle in what might be termed the "design progression" of electoral systems in post-Saddam Iraq. Under the original "closed-list" form of PLPR, ballots bore party names only. Each party received a number of seats proportionate to its vote share, but the decision as to who would actually fill those seats belonged not to voters but to party leaders alone. In the transitional general election of 30 January 2005, moreover, the whole country was treated as one giant at-large district for purposes of electing a Constituent Assembly. In the general election of 15 December 2005, the system was changed so that slightly more than four-fifths of the parliamentary seats (230 of 275) were allocated among the eighteen provinces as multimember districts, while the remaining 45 seats were to be filled as "compensatory seats" from national lists to achieve overall proportionality.

In "open-list" elections such as Iraq now uses, ballots carry the names of individual candidates together with their party or coalition affiliations. The voter can vote a "straight ticket" by simply checking the box next to the name of his or her preferred party or coalition, or the voter can tick a candidate's name, with that vote counting also as a vote for the candidate's party for purposes of seat allotment. In the tallying of votes, two separate counts are involved. One determines the numbers of seats won by each of the various parties.<sup>5</sup> The other tallies votes for specific candidates to fill those seats, with the proviso that (as has been the case since 2005) one of every three winning candidates must be female. Open lists are more democratic since the power to determine who will represent the party in parliament belongs not to party bosses, but to voters.

The passage of the electoral law containing the open-list innovation was hardly smooth sailing. The first great obstacle was the status of Kirkuk. In the 2009 provincial elections, Kirkuk had been so controversial that it had had to be excluded from the process. The rest of the year brought no softening of positions. The main point of contention

had to do with whether the 2004 or the updated 2009 registry would be used as the basis for determining the province's seat share. The Kurds favored the latter, given the large Kurdish migration into Kirkuk since 2004. Arabs and Turkomen wanted to stick with the 2004 registry, and complained of what they saw as a deliberate Kurdish policy to shift the province's demographics via in-migration. (Kurds responded that they were simply returning to homes from which Saddam Hussein had forced them to move as part of his own plan to turn Kirkuk and its oil fields into predominantly "Arab" territory.)

In November, a compromise was reached. The Kurds seemed to prevail. Voter rolls would be based on the 2009 registry, with a stipulation that parliament could call for an investigation of the rolls in any province where annual population growth during the previous five years had exceeded 5 percent. Given the history of such parliamentary investigations, this provision likely would remain "an abstract possibility lost in the whirlwind of deal-making following the elections."<sup>6</sup> Regardless, as required by the constitution, the draft was passed on for approval to the three-man Presidency Council consisting of President Talabani plus a pair of vice-presidents. At that point, the second controversy erupted.

The draft law called for expanding the National Assembly to 307 seats distributed among the provinces by population, with an additional 8 seats set aside for religious minorities plus another 8 to be used as "compensatory" national seats, making a total of 323 seats. Vice-President Tariq al-Hashemi, a Sunni, vetoed the bill. His main demand was for a boost in the number of seats allocated to represent Iraqi citizens living abroad. Since more than two-million Iraqi refugees, most of them Sunnis, reside in Syria and Jordan, Hashemi's motive was clear.

There then flew open a Pandora's box that Hashemi had not anticipated. The Kurds demanded more seats for the Kurdish provinces, while most Shia members refused to budge on their initial formulation. As the deadlock continued, the Independent Higher Electoral Commission (IHEC) declared that it would not be able to hold the elections as scheduled on 18 January 2010. After more adventures in brinkmanship, a slightly modified electoral law was adopted on 8 December 2009. It called for 310 seats allocated to the provinces in accord with their population numbers (with the Kurds gaining three extra seats), seven national compensatory seats, and eight seats for religious minorities. In addition, two new stipulations were introduced: that Iraqis abroad would not be part of the national compensatory arrangement, but would vote as if they still lived in their province of initial residence, and Iraqi Christians (who were to receive five of the eight set-aside seats) would vote across one national constituency.

With a fresh March 7 date set for elections to choose the new and expanded parliament, things seemed normal until a fresh bombshell burst on January 15. On that day, the Accountability and Justice Commission

(CAJ), an offshoot of the de-Baathification committee established in 2003 under the Coalition Provisional Authority, suddenly announced that it was disqualifying more than five-hundred candidates for having Baathist ties. While those banned included both Sunnis and Shias, the groups that were hit hardest were Allawi's resurgent *Iraqiya* list and another secular coalition, the Unity Alliance of Iraq led by popular interior minister Jawad al-Boulani—in other words, the two groups that promised to offer the SOL and the INA their stiffest competition.<sup>7</sup> What fanned the pervasive suspicions was that the CAJ was led by Ahmad Chalabi and Ali al-Lami, both senior figures and indeed parliamentary candidates of the Shia INA.<sup>8</sup> The continuing legal ambiguity surrounding the CAJ—the National Assembly had created it in January 2008 to replace a U.S.-formed body, but had never approved its membership—hardly helped.

The bannings stirred criticisms not only from Sunnis, Kurds, and seculars, but also from other Arab countries, the United States, and the United Nations. On February 3, a seven-judge Iraqi appeals court ruled that the ban should be lifted until after the elections, when jurists would have enough time to review all the evidence. Now came Maliki's turn to step in. Seeing a chance to weaken his secular rivals even as he vied with the INA for the Shia vote, the premier intervened personally to make the judges reverse themselves.<sup>9</sup> And so, remarkably, they did: The same panel that had needed more time found itself somehow able, barely a week later, to study matters closely enough to uphold the ban on all but 26 of the candidates. A few parties and coalitions made muted boycott threats after Maliki's lobbying of the court, but in the end the consensus choice was to go ahead with campaigning.

## The Political Campaign

The most glaring element of the campaign was the near-absence of the three topics that had dominated Iraq's political landscape for years—federalism, the occupation, and religion. The Kurds of course had long been the most passionate advocates of a federal structure for Iraq. Under their vigorous and insistent advocacy, their version of federalism, one that assumed an ethnosectarian rather than a territorial cloak, won the day. Because of that, the concept itself came to sound like code for "Kurdish separatism," and the rest of Iraq stopped listening. The ISCI, which had once seemed interested in a form of regional autonomy for Shias in the south that might parallel the Kurdish arrangements in the north, said through its new leader Ammar al-Hakim that it believed in a "strong government in Baghdad" and had no interest in discussing federalism.<sup>10</sup> Talking about the concept among the 80 percent of Iraqis who are Arabs had become tantamount to committing political suicide.

Another "hot" topic from 2005 that barely rated mention in 2010 was the

“occupation.” As U.S. troops readied a significant force reduction set for the fall of 2010, they ceased to be a lightning rod for every candidate eager to burnish nationalist or Islamic credentials. A few INA and SOL leaders took issue with U.S. criticisms of the candidate ban, but the very mutedness of these rejoinders suggested how much the U.S. role had shrunk.

This is not say that the “outside powers” were ignored during the campaign. But “big brother” was not in Washington, or Baghdad’s Green Zone; instead, he lurked just across Iraq’s long land border to the east. Rarely mentioned by name, Iran figured in the campaigns of those who condemned “interference” in Iraqi affairs by “outside powers.” In 2005, this would have meant the United States; in 2010, it was an obvious and pointed reference to Iran, and was heard most often from the Sunni and nonsectarian parties. The party most often accused of serving Iranian purposes was the INA, many of whose leaders had extensive contacts with various Iranian governmental, religious, and security networks.

In another stark contrast with 2005, there were few religious and sectarian symbols visible in 2010. Why the change? The most likely reason had to do with Grand Ayatollah Ali al-Sistani. As the most revered Shia religious figure in Iraq, he had been the driving force behind the creation of the UIA during the run-up to the 2005 elections. Fearing that intra-Shia divisions would give the Sunnis a path back to power, he had enjoined all Shia parties to close ranks in a grand alliance. Four years later, when such fears had subsided, and when Shia governmental performance at both the national and provincial levels had shown how much it left to be desired, Sistani recused himself from politics. He strongly discouraged any party from using his name, image, or office in its campaign; made it clear that he would offer no endorsements; and had his staff quickly denounce the use by the INA and other parties of his picture on their leaflets.<sup>11</sup> The colossus of 2005 had, by his own choice, become the virtual nonfactor of 2010.

All parties seem to have sensed the country’s new and far less sectarian mood. The strong nationalist showing in the 2009 provincial elections had been a harbinger. Allawi’s insistence that “there is no difference between a Muslim and non-Muslim. . . . [or] a Sunni and a Shia,”<sup>12</sup> would find fresh resonance. Even sectarian parties could see the writing on the wall. Tawafuq promised to seek support from all parts of the country and not just the Sunni center.<sup>13</sup> The INA, meanwhile, declared its own abhorrence of sectarianism and pledged itself to “preserve the unity and honor of Iraq.”<sup>14</sup> The Shia coalition even “went modern” by nominating female candidates whose campaign posters showed them bareheaded and wearing makeup.

Two substantive issues dominated the campaign: corruption and lack of services. In a sense, it was all other parties versus Maliki and the SOL. As the incumbent, he had all the advantages of his office and sought to project an air of authority and can-do activism, while the opposition (in

keeping with normal democratic practice) launched critiques. Iraqiya's had the most vigor. They scored the premier as a failed leader, pointing time and again to the dismal economy, the terrible living conditions of most people, and the government's inability to provide essential public services. Other common lines of attack accused Maliki of authoritarian tendencies<sup>15</sup> and deplored the pervasiveness of state corruption. Voters heard time and again that in this country of abundant resources (including the world's fourth-largest set of proven oil reserves), most people remained poor while corrupt officials grew rich. Maliki's response was to appeal for more time. Had he not restored security by reining in the militias? Voters should trust him to take on Iraq's social and economic ills next. He promised along the way to stamp out corruption, but many voters may have found this pledge hollow given his past efforts to shield ministers accused of misdealings.<sup>16</sup>

Aside from the palpable shift away from sectarianism, it is unclear how far all the campaign talk mattered. As if realizing the depth of the uncertainty, many candidates sought to win voters the old-fashioned way by handing out "gifts" of food, heating oil, propane tanks, blankets, phone cards, and even cash.<sup>17</sup>

## The Voting and Its Results

On March 7, nearly 12 million voters went to the polls to choose among 6,292 candidates belonging to 86 political entities that included 12 coalitions. To ensure a smooth process, the IHEC had set up 52,000 polling stations staffed by more than 300,000 workers. Once the voting was done, counting of what was in the sealed ballot boxes went forward (by hand) at thousands of counting centers under the scrutiny of the various political parties and their agents, national and international observers, and media representatives. The results were then transmitted to Baghdad for confirmation prior to being publicly announced.

Despite the IHEC's efforts at transparency, charges of fraud and political interference began flying even before the counting could start. They centered on the printing of 26 million ballots when the IHEC knew that the total number of eligible voters did not exceed 19 million. The opposition parties feared that the excess ballots would be used to pad the government parties' tallies.

Discomfort with the process accelerated as the IHEC struggled with the huge, unwieldy ballots and the highly complex system for tabulating results. As figures dribbled out in sporadic and somewhat chaotic fashion, almost all the main coalitions began hurling accusations of irregularities and even fraud at the IHEC. The pattern was easily discernible: If the announced partial results did not conform to a coalition's expectations, its members would cry foul. Iraqiya, the SOL, the INA, and Boulani's Iraqi Unity all at some point voiced skepticism about results

**TABLE—IRAQI ELECTION RESULTS, 2010**

City or Province	Seats per Party						
	Iraqiya	SOL	INA	Unity of Iraq	Tawafuq	Kurdistan Alliance	Other Kurdish
Basra (24)	3	14	7				
Maysan (10)		4	6				
Dhi Qar (18)	1	8	9				
Muthana (7)		4	3				
Qadissiya (11)	2	4	5				
Babel (16)	3	8	5				
Najaf (12)		7	5				
Karbala (10)	1	6	3				
Wasit (11)	2	5	4				
Baghdad (68)	24	26	17		1		
Anbar (14)	11			1	2		
Salah al-Din (12)	8			2	2		
Diyala (13)	8	1	3			1	
Nineveh (31)	20		1	1	1	8	
Kirkuk (12)	6					6	
Irbil (14)						10	4
Dohuk (10)						9	1
Sulaymaniya (17)						8	9
Compensatory	2	2	2			1	
<b>TOTAL SEATS</b>	<b>91</b>	<b>89</b>	<b>70</b>	<b>4</b>	<b>6</b>	<b>43</b>	<b>14</b>

*Note:* In addition to the total, there are eight minority seats—five for Christians, and one each for Yazidis, Sabeans, and Shabaks).

intermittently released by the IHEC.<sup>18</sup> Yet no faction could produce any evidence to back up its misgivings. Meanwhile, international observers as well as Iraqi civil society activists who had monitored the voting continued to insist that it had been largely fair, with only minor problems and irregularities that were unlikely to affect the final result.<sup>19</sup>

As more figures came out, it became clear that the two main contenders were the SOL and, to the surprise of many, Iraqiya, with the INA coming in a not-too-distant third. The March 26 release of the full results confirmed this, as they showed Allawi's secular coalition edging the SOL by 91 to 89 seats. The INA ended up with 70 seats and the Kurdistan Alliance with 43. The remaining 24 nonreserved seats went to Tawafuq, Iraqi Unity, Gorran, and two religiously oriented Kurdish opposition groups. The Table shows the parliamentary-seat breakdown by province.

Even before the IHEC's March 26 press conference had ended, Maliki was dismissing the results, vowing to sue, and airing his plans to form a new government as the "real" winner. Ominously for him, however, the two leaders of his most natural partner, the INA, immediately condemned his remarks. Ammar al-Hakim advised Maliki to accept the people's decision, while Muqtada al-Sadr warned the prime minister "not to resort to

terrorism in his effort to cling to power.”<sup>20</sup> Soon after, another possible coalition partner, Masoud al-Barzani of the Kurdistan Alliance, endorsed the election results as generally fair. Maliki, however, persisted and was able to win from the Special Elections Court a decision ordering a manual recount of votes from Baghdad. To his surprise and no doubt dismay, the recount affirmed the initial results. This finally put to rest any claims regarding the alleged unfairness of the elections.

A notable feature of the elections was that the results allowed for a radical change in the structure of government, opening up the possibility that the next government would be strikingly different from the one that had formed in the wake of the December 2005 elections. The apportionment (*muhasasa*) of cabinet seats that was the hallmark of Maliki’s national-unity government had been universally blamed for the paralysis and corruption of that government. Of course, there was nothing in the 2010 election that prevented the formation of a similar government, if that were deemed to be necessary for the stability of the country. What the 2010 electoral results did, however, was to allow political leaders to go either with the national-unity model, or with a variant of the majoritarian version in which there is a strong government and an equally strong opposition. Unlike in 2005, political leaders unencumbered by sectarian limitations and confident of the mandate given to them by their followers, would now have a real choice.

The first and most striking thing about the 2010 voting was the fading of sectarianism. Iraqiya’s surprising strength, the INA’s relatively disappointing tallies, and Tawafuq’s abysmal performance all point to it. It is true that the INA and the SOL together won most of the Shia vote, and their combined percentage is close to what the UIA won in 2005. But the SOL’s platform of unity, Iraqi nationalism, and a strong central government is a far cry from vintage UIA politics. Whatever his own personal beliefs, Maliki refused to wear his Shia identity on his sleeve and indeed distanced himself from it at every turn. It was the INA that was generally perceived and treated as *the* Shia Party. Had voters wished to vote their Shia identity (as they had en masse in 2005), then the INA would have been their party of choice. But the INA came in third, topped by not one but two “nationalist” coalitions. Similarly, Tawafuq’s anemic vote haul in comparison with 2005 spoke volumes about the marginalization of Sunni sectarianism. The emphatically secular Iraqiya list trounced Tawafuq in the Sunni heartland.

The second thing to note is how the adoption of open-list voting allowed a power shift within coalitions. This was particularly evident in the INA, which went to the polls under the leadership of ISCI, which at one time had advocated a nine-province Shia region. Yet the lion’s share of the votes went to Sadrist candidates, making them the INA’s most effective spokesmen in the negotiations over forming a government that continue at the time of this writing in May 2010. Indeed, given the fragility of

the Hakim-Sadr alliance, one wonders if the Sadrists (who won 39 of the INA's 70 seats) will go their own way, thus contributing to a further fragmentation of sectarianism. Yet perhaps Iran, which has a strong interest in maintaining sectarianism and forestalling anything that could undermine Shia political power, will figure out a way to counteract such a trend.

Another by-product of open-list PLPR was the emergence of fresh faces that were unknown nationally before the elections. Many of the remarkably large number of sitting legislators who were not returned lost with embarrassingly low vote totals. There were countless instances of candidates whose names ran far down the lists leapfrogging over better-known candidates listed far above them. A number of these vaulters were female, which augurs well for more assertive gender representation. In the old parliament, the product of a closed form of PLPR, party bosses chose pliant women. Under open-list rules, female candidates had to be electable women who could win votes as individuals. The new National Assembly will have 82 women, 21 of whom won their seats outright, with no help from the "female quota." No longer indebted to their male colleagues for their seats, women should play a more independent and assertive role in the new Assembly. All in all, there is little doubt that the switch to open lists has enhanced voter choice.

Third, the electoral dominance exerted by a handful of large coalitions should discourage the proliferation of inconsequential parties that do nothing but draw votes which then receive no representation in parliament. There was certainly an improvement in this regard over the results of the 2009 provincial elections, and one may hope that the 2010 elections will act as a further step in the democratic learning process for candidates and voters alike.

Finally, what does the 2010 election tell us about the progress of democratic transition in Iraq? At its most basic level, this election was free and fair. As already pointed out, there were a number of complaints from parties and coalitions about irregularities, even fraud, but on the whole these were dismissed by independent local and outside organizations that monitored the election. Governmental engineering of election outcomes, so rampant in electoral authoritarian regimes, was simply not an issue. Indeed, it would be absurd in the context of the 2010 election to talk about governmental manipulation, when the loudest group crying foul—demanding and getting a recount that eventually came to nothing—was the ruling party itself.

In many ways, Maliki's complaints reflected the frustration that he and his party felt at the uncertainty of the results. After the 2009 provincial balloting, Maliki had expected to sail through to victory in 2010, garnering enough votes to let him dictate coalition terms or even, with a bit of luck, win an outright majority. But it soon became clear, once the election date was set, that the final outcome was genuinely in doubt. This uncertainty carried on throughout the campaign, the election, and the

vote counting. All this reminds one of Adam Przeworski's assertion that "the process of establishing a democracy is a process of institutionalizing uncertainty, of subjecting all interests to uncertainty . . . it is within the nature of democracy that no one's interests can be guaranteed."<sup>21</sup> Przeworski's words suggest that not only Maliki, but the near 80 percent of sitting parliamentarians whom the voters sent packing, had learnt their first hard lesson in what democracy can really mean.

This is not to say that one should be sanguine about the robustness of Iraq's progress toward democracy. Serious deficits remain. The most disturbing of them became abundantly clear in the immediate aftermath of the elections, when political leaders gave the impression that their commitment to democracy was contingent on democracy serving their own interests. To many of these leaders, it seemed that the only acceptable offspring of the electoral process was the office of prime minister, not that of opposition leader. Another worrisome problem is the continued ability of the executive to sway the opinions and judgments of the supposedly "independent" judiciary. As has been the case with some other transitions, Iraq's could yet stall or even give way to a reversion toward some form of renewed authoritarian rule.

The fragility of Iraq's democratic transition is undeniable, especially if the increasingly discriminating Iraqi voters are thwarted by the self-interested machinations of politicians. Yet prospects are still reasonably hopeful: The elections were able to go forward in an atmosphere remarkably free of violence, political conflicts were peacefully resolved within the rules of the democratic game, both the electoral process and its results met with general acceptance (occasional shrill objections aside), and the results could not be predicted at any stage of the process—all signs that augur well for the continued growth of democratic attitudes and institutions in Iraq.

## NOTES

1. There were three elections in 2005: one provincial, one nationwide to usher in a transitional period of eleven months, and general elections at the end of the year. Provincial elections followed in January 2009, and general elections came in March 2010.

2. Adeed Dawisha and Larry Diamond, "Iraq's Year of Voting Dangerously," *Journal of Democracy* 17 (April 2006): 99–100.

3. Rod Nordland, "The Iraqi Voter Rewrites the Rulebook," *New York Times*, 4 April 2010.

4. International Crisis Group (ICG), "Iraq's Uncertain Future: Elections and Beyond," Middle East Report No. 94, 25 February 2010, 15; available at [www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx](http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx).

5. Party strength in the National Assembly is subject to an "electoral-quotient" requirement, which holds that no party can win a seat in a given province unless that party's vote

share there exceeds the number of actual (not merely registered) voters in the province divided by the number of seats representing that province in parliament.

6. Sam Parker, "Tribulations of the Electoral Law," *Arab Reform Bulletin*, 10 November 2009.

7. See Reidar Visser, "Governorate and Party-Level Indicators of De-Baathification, Plus Some Breaking News" at <http://gulfanalysis.wordpress.com/2010/02/16/governorate-and-party-level-indicators-of-de-baathification-plus-some-breaking-news>; see also ICG, "Iraq's Uncertain Future," 29.

8. General Raymond Odierno, the top U.S. military commander in Iraq, publicly accused Chalabi and Lami of doing Iran's bidding. See Thom Shanker, "General Says 2 Iraq Politicians Have Ties to Iran," *New York Times*, 16 February 2010.

9. The Iranian website Press TV reported that Maliki called the court's decision to lift the disqualifications "illegal" and said that it "represented a threat to the political process and to democracy"; see [www.presstv.com/detail.aspx?id=118271&sectionid=351020201](http://www.presstv.com/detail.aspx?id=118271&sectionid=351020201). The *New York Times* reported "backroom negotiations" involving politicians and the chief justice; see Steven Lee Myers, "Candidates to Stay Off Ballot in Iraq," *New York Times*, 13 February 2010.

10. ICG, "Iraq's Uncertain Future," 9.

11. Steven Lee Myers, "Iraq's Top Cleric Refuses to Influence Elections," *New York Times*, 3 March 2010.

12. Tim Arango, "Ex-Leader Is Top Rival to Premier in Iraq Vote," *New York Times*, 6 March 2010.

13. *Al-Sabah* (Baghdad), 18 October 2009.

14. *Al-Hayat* (Beirut), 10 September 2009.

15. Steven Lee Myers and Anthony Shadid, "Leader Faulted on Using Army in Iraqi Politics," *New York Times*, 11 February 2010.

16. Abbas Kadhim, "Iraq's Quest for Democracy amid Massive Corruption," *Arab Reform Bulletin*, 4 March 2010.

17. Marc Santora, "Iraqis Awash in Gifts from Candidates," *New York Times*, 2 March 2010.

18. Anthony Shadid, "Iraq Election Results Hint of Political Shift," *New York Times*, 16 March 2010. In the final days of the count, when Allawi seemed to edge in front of Maliki, the latter made veiled threats of using the army. See Timothy Williams and Zaid Thaker, "Iraq's Premier Endorses a Recount of the Vote," *New York Times*, 22 March 2010; and *al-Sharq al-Awsat* (London), 22 March 2010. As the IHEC stuck by its decision to announce the results on March 26 and to reject a manual recount, SOL officials openly accused it of "fraud," "forgery," and "taking its orders from the American embassy." See *Al-Sharq al-Awsat*, 26 March 2010.

19. Marc Santora, "Frustration Grows in Iraq at Slow Pace of Vote Tally," *New York Times*, 15 March 2010; *al-Sharq al-Awsat*, 22 March 2010.

20. *Al-Sharq al-Awsat*, 27 March 2010.

21. Adam Przeworski, "Some Problems in the Study of the Transition to Democracy," in Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1986), 58–59.