Masque of Democracy: Iraqi Election System
Still Disfavors Sunni Arabs, Favors Kurds

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In its *National Strategy for Victory in Iraq* the Bush administration recognizes that the key to defusing the insurgency is drawing the Sunni Arab community into the political process. And it correctly sees that this requires "inclusive institutions that offer power-sharing mechanisms and minority protections." As the strategy notes: such institutions would "demonstrate to disaffected Sunnis that they have influence and the ability to protect their interests in a democratic Iraq." Unfortunately, the administration finds it difficult to apply this precept where it would matter most: in the election process.

The procedures for the December 2005 election of Iraq's Council of Representatives, which will govern for four years, puts Sunni Arab areas at a distinct disadvantage. It virtually guarantees that Sunni Arabs will be under-represented in government. This is no way to "win hearts and minds" or to erode support for the insurgency.

The 15 December election will fill the 275 seats of Iraq's national assembly (now officially called the "Council of Representatives"). Of these seats, 230 are allocated among Iraq's 18 provinces to be filled through local contests. But the allocation to provinces does not correspond with their relative population size – as is the case in the United States with House of Representative seats. Instead, the allocation accords with the relative numbers of people *who registered to vote in the 30 January 2005 election* – an election that Sunni Arabs boycotted. Using these voter registration rolls (which were completed in late 2004) as a basis for allocating assembly seats is not a democratic "best practice", as explained below. Nor does it serve political stability. And, as it so happens, the procedure disfavors Sunnis, while favoring Kurds.

About 24 percent of Iraq's population resides in the four Sunni Arab-majority provinces – but the present election system allots them only 20 percent of the 230 assigned seats. (*See* Table 1.) By contrast, the three Kurdish provinces, with approximately 13 percent of the country's population, receive 15 percent of the seats. Thus, the system boosts the power of the Kurdish provinces by four or five seats, while clipping that of the Sunni Arab region by as many as eight. The system also marginally reduces the sway of the southern Shia provinces, while increasing that of Baghdad and At Ta'mim (Kirkuk) province. (At Ta'mim, too, is a Kurdish power center).

Turning to the remaining 45 assembly seats, which are not allotted to provinces: These are called "national" or "compensatory" seats. But the allocation process for these will worsen the under-representation of Sunnis, not repair it.

Table 1. Iraqi Governorate Population and Assigned Council Seats

Governorates (Provinces)	Percent of Voters Rejecting Constitution	Population (000s)	Percent of Population	Assigned Council Seats	Percent of Assigned Seats
Mixed					
Baghdad	22.3	6554.	24.15	59	25.65
At Ta'mim (possible Kurd majority)	37.09	854.	3.15	9	3.91
Kurdish majority					
Dahuk	0.87	472.	1.74	7	3.04
Arbil (Erbil)	0.64	1392.	5.13	13	5.65
As Sulaymaniyah	1.04	1716.	6.32	15	6.52
Subtotal		**3580.**	**13.2**	**35**	**15.2**
Sunni Arab majority					
Al Anbar	96.9	1329.	4.9	9	3.91
Salah ad Din	81.75	1119.	4.12	8	3.48
Ninawa (Nineveh)	55.08	2554.	9.41	19	8.26
Diyala	48.73	1418.	5.23	10	4.35
Subtotal		**6420.**	**23.66**	**46**	**20.0**
Shia Arab majority					
Babil	5.44	1493.	5.5	11	4.78
Al Basrah	3.98	1797.	6.62	16	6.96
Al Karbala	3.42	787.	2.9	6	2.60
Maysan	2.21	763.	2.81	7	3.04
Al Muthanna	1.35	555.	2.04	5	2.17
An Najaf	4.18	978.	3.6	8	3.48
Al Qadisyah	3.32	912.	3.36	8	3.48
Dhi Qar	2.85	1472.	5.42	12	5.22
Wasit	4.3	971.	3.58	8	3.48
Subtotal		**9728.**	**35.83**	**81**	**35.12**
Total		27136.	99.99	230	100.00

Population figures are from: Ministry of Planning and Development Cooperation, Republic of Iraq, and the United Nations Development Program, *Iraq Living Conditions Survey 2004, Volume 1: Tabulation Report* (Baghdad, 2005). Allocation of council of representative seats can be found in Independent Electoral Commission of Iraq, *FAQ 4: Council of Representatives Elections,* http://www.ieciraq.org/final%20cand/FAQ_Council%20of%20Representatives_En.pdf.

The "national" or "compensatory" seats are to be distributed in two steps:

- The first will award seats to those parties who did not gain enough votes for a seat in any province, but whose national totals surpass a certain threshold. This favors parties with shallow but broad roots.

- The second step will allocate the remaining seats to parties in accord with their proportion of the total national vote. This step will favor parties that draw their strength from provinces with above-average voter turnout. In essence, it rewards those regions that manage a high voter turnout.

In some electoral systems – such as the American one -- regional or "state" differences in voter turnout would not affect the degree of a region's representation in government. But they do in Iraq.

One important factor affecting turnout is security. So we might also say that the measure punishes those areas suffering security problems. And, as we know, the incidence of terrorist violence and military operations is much higher in Sunni areas than elsewhere.

Regarding security differentials: In a representative period, 94 percent of all insurgent attacks occurred in just six provinces: the four Sunni Arab majority areas, Baghdad, and At Ta'mim (Kirkuk). (These six contain 50 percent of the Iraqi population.) According to the US Defense Department's October 2005 report on Iraq, the incidence of daily attacks per 100,000 people was above 1.8 and 1.6 in Al Anbar and Salah ad Din, respectively, during the period from 29 August to 16 September. The level was about 0.4 in Baghdad, At Ta'mim, Ninawa, and Diyala. In Babil it was 0.12. Elsewhere it was one-third or less of the level in Babil and only about 2 percent the level in Al Anbar.

In sum, the nature of the Iraqi election system and the obvious realities that Iraqis face on the ground allow us (and Iraq's Sunni Arabs) to conclude before a single vote is cast that Sunni-based parties will win fewer seats on 15 December than the size of the Sunni community might suggest, while the Kurdish parties will walk away with more.

Deforming the State

The procedure for the December election actually shows some improvements over that employed last January – which may be one reason that Sunni Arabs are more willing to participate this time around. At the same time, the new system carries forward and codifies some of the errors of the past. This will weaken the legitimacy of the Iraqi state as it tries to tackle divisive issues in the years ahead.

The persisting shortfalls in the Iraq system are best understood if we look back to the January 2005 election and work our way forward. The procedure in the January election did not allocate any assembly seats to provinces. All were decided in a contest that treated the entire country as a single electoral district. Treating the entire country as a single electoral district has the effect of pitting different regions against each other in a never-ending fight over baseline representation in government. It is as if every congressional election in America gave the states an opportunity to tear seats away from each other. The problem is made worse in Iraq by the fact that ethno-religious groups tend to concentrate geographically. Thus, the regional

fight over basic representation takes on an ethnic hue, with each group always threatening to relatively disenfranchise the other.

By contrast, in actual US domestic practice, congressional elections do not affect the degree of representation afforded each state. Indeed, the "single national district" approach is so divisive that the American colonists would probably have found it impossible to form a nation on this basis. When sectoral differences are acute or when suspicions run high, this approach is more likely to rip a nation apart than to unify it.

Some framers of the original Iraqi system – notably the UN consultants – thought that by also adopting proportional representation they could ensure fair treatment of all ethnic and religious groups. And this might have produced a fair result – if Iraq's various communities were distributed evenly across the country or if there were no regional differences that might affect voter turnout.

However, in Iraq, the geographic concentration of ethnic and religious groups is a bedrock reality. And there are numerous factors that can cause regional differences in voter turnout rates that have nothing to do with population size. These include differences of climate and weather, terrain, urban-rural balance, population density, and age demographics as well as differences in the local management of elections and voter registration.

As noted above, the security environment has an especially strong affect on voter turnout. Thus, those communities and regions suffering most from security problems are disfavored by this system. This was the key reason Sunni Arabs thought the election to be unfair and one reason, aside from fear, that so many boycotted it.

A more democratic approach would allocate assembly seats to provinces in accord with their population size. This would guarantee baseline representation to all regions regardless of turnout. Electoral competition then could become a contest between political tendencies, rather than ethnic regions. Sunni, Shia, and Kurdish areas all would gain representation relative to their population size. Aside from defusing some of the ethnic tension associated with the election process, this approach would make it possible to selectively postpone elections in provinces plagued by severe violence or natural catastrophes.

Tying assembly seats to localities has other benefits as well. It ensures a closer connection between voters and their representatives – especially if prospective candidates must meet residency requirements. And it makes it easier for voters to know the candidates, make informed choices, and hold their elected representatives accountable. Purely as a matter of building confidence in the new government, Iraqis need to see their local men and women elected to office.

In the coming election, the "single national district" system applies only to the 45 national seats. And this indicates progress. But the inequities of the January 2005 election persist in other ways as well. As noted above, those 230 assembly seats that now have been allocated to provinces correspond to voter registration rolls from late 2004, when the Sunni boycott was in full swing.

The boycott aside: Many of the same factors that can suppress voter turnout – such as security problems – also negatively affect voter registration rates. So, in this regard too, the differences between provinces do not reflect their relative population size.

As a result, the national assembly or "council of representatives" that will rule Iraq for the critical next four years will partially reflect the problems and inequalities that plagued the January 2005 election process. That election will live on in the Iraq body politic like a bad gene.

Conclusion

What difference would it make to adopt a system that ties all assembly seats to provinces based on their populations? It would probably entail a structural shift of four or five percent of assembly seats to parties popular with Sunni Arabs. More significantly, in all regions and communities, it would favor candidates with deep local roots, while disfavoring expatriates of all stripes. Thus, the political fortunes of leaders like the Shia cleric Moqtada Sadr would advance. All in all, it would probably produce a national assembly with a notably stronger oppositionist temper. And this the Bush administration might find difficult to swallow.

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