

# Revised Iraqi election law alienates Sunni minority

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30 November 2009

Changes made last Monday to Iraq's election law have inflamed the sectarian and ethnic animosities fomented by the US occupation since the 2003 invasion. The dominant Shiite-based and Kurdish nationalist parties used their majority in the parliament to ram through legislation that increases the number of seats in areas they expect to win, at the expense of those with a majority Sunni population.

The original legislation was passed on November 8, after months of delay and intense pressure from Washington on the various Iraqi factions to reach an agreement. Constitutionally, the election has to be held by the end of January. Following the ballot, providing a stable government can be quickly formed, the US military plans to begin withdrawing up to eight combat brigades from Iraq, freeing up forces for the deployment of thousands of additional troops to Afghanistan.

The law's revision is widely blamed on the decision of vice-president Tariq al-Hashemi, a leader of the Sunni-based Iraqi Islamic Party (IIP), to veto the original legislation. Hashemi sent the law back to parliament on November 18 on the grounds that it discriminated against the Iraqis—many of them Sunni—who have fled to Syria, Jordan and other Middle Eastern states since the US invasion in 2003.

The first law treated the two million-strong refugee population as a constituency of its own, separate from the country's 18 provinces, but allocated them just 5 percent of the total seats. Hashemi insisted the legislation be revised to raise the allocation to 15 percent—a figure he claimed more closely matched their proportion of the population.

Many refugees were members of the former ruling Baath Party, Sunnis who were forced out of Baghdad and other cities by the sectarian violence that ravaged the country during 2006 and 2007 or Christians and other minorities escaping attacks by Islamic extremists. Their votes are far more likely to flow to Sunni and secular organisations than the dominant Shiite parties or the Kurdish nationalists.

The changes to the law, however, incorporate none of Hashemi's demands. Instead, they meet opposed demands, made the day before by Masoud Barzani, the president of the autonomous Kurdish Regional Government (KRG) that rules Iraq's three northern provinces.

Barzani issued a statement on November 17 threatening a boycott of the election. He asserted that the method proposed to determine the number of voters in a province, and therefore the number of seats it elected, was unacceptable, as it would result in a proportional decrease in the representatives from the KRG.

In less than a week, Prime Minister Nouri al-Maliki and the parliamentary Shiite parties bowed to Barzani's ultimatum. The role that US officials played is not known, but there is growing concern in Washington about a lengthy delay in the election and a disruption to troop withdrawal plans.

The new law will allot seats to each province based on the seat allocation in December 2005, plus additional seats calculated by assuming a uniform 2.8 percent annual population growth. The overall number

of seats will increase from 275 to around 320, but the proportion from each province will not change. The losers are the Sunni majority areas, where large numbers of people were not registered when the 2005 allocation was determined. Under the method rejected by Barzani, provinces with large Sunni populations such as Nineveh, Salahuddin and Anbar would have increased their representation.

Moreover, far from increasing the seat allocation for the refugee population, the new legislation provides none at all. If refugees cast a ballot outside Iraq, they will simply be counted in the province where they originally resided.

Predictably, the law provoked outrage among Sunni and secular politicians. Dozens stormed out of the parliament as the vote was being taken. The legislation was passed by just 133 legislators from Maliki's Da'wa Party, the Shiite Islamic Supreme Council of Iraq (ISCI), the Shiite Sadrist tendency and the Kurdish bloc.

Hashemi may veto the law again, threatening another protracted period of wrangling and delay. In order to override a second veto, 60 percent of legislators must vote it down when parliament meets again, which is not until December 8. The head of the Iraqi election commission has already stated the election will "most probably" have to be postponed until February at the earliest.

The sidelining of the Sunni and refugee populations has another significant implication. It dramatically undermines the attempt by Maliki since early 2008 to portray himself as a non-sectarian Iraqi nationalist, rather than the representative of Shiite fundamentalist parties and a puppet kept in power by the US occupation.

Hashemi must have calculated—wrongly—that his demand for greater refugee representation would get the support of Maliki and his Da'wa Party. At the beginning of the year, Da'wa split from its coalition with the ISCI and formed a new electoral front called "State of Law", which was joined by some Sunni groupings. In the coming election, State of Law is

standing against a bloc that includes the ISCI, the Sadrists and a number of other Shiite religious groupings. Maliki has repeatedly sought to put himself forward as the representative of "national unity" over communalism.

Maliki's response to the Kurdish demands over the election law, however, highlights how entrenched ethno-sectarian divisions are in the state structures imposed on Iraq by the US. No government can rise above them. For all his nationalist rhetoric, Maliki would be powerless to prevent the Kurdish authorities from blocking the election in the Kurdish region. In the final analysis, his government could not enforce a decision of the Iraqi parliament inside the KRG without risking civil war.

To satisfy US demands for the election to take place without lengthy delays, the main Shiite parties have come together temporarily and given the Kurdish nationalists what they wanted. In doing so, they have further alienated the Sunni factions and broader Sunni population, whose position is that of a repressed and marginalised minority. The result could be a resurgence of armed resistance to the US occupation and the Maliki government, as well as an upsurge of sectarian violence.

Amid the media focus on Afghanistan, the Stratfor thinktank, which is close to the US intelligence agencies, published a comment on November 20 about "America's other war", warning: "So far, the Sunni insurgency that prompted the US surge has remained quiet; the Sunnis have waited to see if the political solution would work its magic. As the date for elections draws closer, however, the chance that this faction could revive its violent activities grows."



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