



Iraq: Politics, Elections, and Benchmarks

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Summary

Iraq's political system, the result of a U.S.-supported election process, is increasingly exhibiting peaceful competition but continues to be riven by sectarianism and ethnic and factional infighting. As 2009 began, there was renewed maneuvering by opponents of Prime Minister Nuri al-Maliki who view him as authoritarian and might try to replace him, particularly if his party had fared poorly in the January 31, 2009 provincial elections. However, campaigning for the provincial elections, held in all provinces except Kirkuk and the Kurdish-controlled provinces, was relatively peaceful and enthusiastic and there was a more diverse array of party slates than those that characterized the January 2005 provincial elections. The elections appear to have strengthened Maliki and others who believe that power should remain centralized in Baghdad. Internal dissension within Iraq aside, the Bush Administration was optimistic that the passage of key laws in 2008, coupled with the provincial elections, will sustain recent reductions in violence. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

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Overview of the Political Transition

After the fall of the Saddam Hussein 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 government on June 28, 2004. That gave way to a series of successful elections that produced the full term government that is in power today.

January 2005 National Assembly and Provincial Elections

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). The election system was proportional representation/closed list: 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 relatively under-represented on provincial councils in the Shiite south and in Baghdad. The resulting government placed Shiites and Kurds in the most senior 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) will join the Kurdish region (Article 140); designation of Islam “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,

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

CPA) applicable until amended (Article 126), and established a “Federation Council” (Article 62), a second chamber with its size and powers to be determined by subsequent law (not adopted to date).

The major disputes—still 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 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 dominated areas of Iraq have few proven oil or gas deposits, and favor centralized control of oil revenues. The Kurds want to maintain maximum control of their own burgeoning oil 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

In the December 15, 2005 elections for a four-year national government (in line with the schedule laid out in the TAL), 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. As shown in the table, 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, 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 Accord Front (Iraqi Islamic Party). Another Accord figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), is COR speaker. Maliki won a COR vote for a 37-member cabinet (including himself and 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; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

Benchmarks, Reconciliation, and Provincial Elections

The 2005 elections were considered successful by the Bush Administration but—possibly because they took place in the context of ongoing insurgency and sectarian conflict—the elections did not resolve the grievances in Iraq’s communities over their new positions in the post-Saddam power structure. 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 eighteen political and security benchmarks—as assessed in Administration reports due by July 15, 2007 and then September 15, 2007—were required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq. The President used the waiver provision. The law also mandated an assessment by the GAO, by September 1, 2007, of the degree to which the benchmarks have been met, as well as an outside assessment of the Iraqi security forces (ISF).

As 2008 progressed, citing the achievement of almost all of the major legislative benchmarks—and the dramatic drop in sectarian-motivate violence attributed to the U.S. “troop surge”—the Bush Administration asserted that political reconciliation was well under way. However, U.S. officials continue to maintain that the extent and durability of reconciliation will largely depend on the degree of implementation of the adopted laws and on further compromises on inter-communal differences and disputes. A June 2008 study by the Government Accountability Office (GAO-08-837) said the legislative moves until that time have had limited effect in healing the rifts in Iraqi politics. Iraq’s performance on the “benchmarks” is in the table below.

The passage of key legislation in 2008 and the continued calming of the security situation enhanced Maliki’s political position, but Maliki’s strength caused some of his allies to begin trying to curb his authority. This represented a reversal from 2007, when Maliki appeared weakened substantially by the pullout of the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi from the cabinet, leaving it with 13 vacant seats out of a 37 seat cabinet. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs ultimately pacified the city, weakened Sadr politically, and caused some Sunnis and Kurds to see Maliki as more even-handed and non-sectarian than previously thought. This contributed to a decision by the Accord Front to return to the cabinet in July 2008. Other cabinet vacancies were filled, mostly by independents, to the point where the cabinet now only has one vacancy (ministry of Justice).

Maliki’s growing strength is causing concern even among Maliki’s erstwhile political allies. The Kurds, a key source of support for him, are increasing at odds with his leadership because 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. ISCI, the longstanding main ally of Maliki’s Da’wa Party, competed with the Da’wa for provincial council seats, as discussed below, and accuses him of surrounding himself with Da’wa veterans to the exclusion of other decision-makers. The competition has prompted reports that several major factions were considering attempting to bring about a “no-confidence” vote against Maliki. The late December 2008 resignation, under pressure, of Sunni COR Speaker Mahmoud al-Mashhadani, who was perceived as blocking a no confidence motion, could be one outward indicator of the dissension. Still, Maliki’s opponents are said to be unable, to date, to agree on who would replace him as

Prime Minister – a consideration that was widely judged to have kept Maliki in office in 2006 and 2007.

U.S. officials are concerned that Maliki's growing independence from the United States could lead to reversals, for example by creating restiveness among the Sunni "Sons of Iraq" fighters who Maliki has refused to integrate wholesale into the Iraqi Security Forces. The 100,000 fighters nationwide cooperate with U.S. forces against Al Qaeda in Iraq and other militants. Still, the assumption of the payments of the Sons by the Iraqi government in November 2008 has been relatively without incident to date, calming U.S. fears to some extent. Emboldened by his political strength but also attentive to pressure by Iran, Maliki insisted on substantial U.S. concessions in the U.S.-Iraq "status of forces agreement" (SOFA) that passed the COR on November 27, 2008 over Sadrist opposition, and notwithstanding Sunni efforts to obtain assurances of their future security. 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 U.S. withdrawal.

January 31, 2009 Provincial Elections

The Obama Administration, as did the Bush Administration, looked to the January 31, 2009 provincial elections to consolidate the reconciliation process. 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. The elections had 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 veto of the July 22, 2008 election law needed to hold these elections. The draft law provided for equal division of power in Kirkuk (between Kurds, Arabs, and Turkomans) until its status is finally resolved, prompting Kurdish opposition to any weakening of their dominance in Kirkuk. Following the summer COR recess, the major political blocs agreed to put aside the Kirkuk dispute and passed a revised provincial election law on September 24, 2008, providing for the elections by January 31, 2009. The revised law stripped out provisions in the vetoed version to allot 13 total reserved seats (spanning six provinces) to minorities. However, in October 2008, the COR adopted a new law restoring six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; Yazidis one seat in Nineveh; Shabaks one seat in Nineveh; and Sabeans one seat in Baghdad.

In the elections, in which there was virtually no violence on election day, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province is about 30,² down from an average size of 41 seats in the 2005-2009 councils. Baghdad province has 57 seats on its council. This yielded an average of more than 30 candidates per council seat, which some see as enthusiasm for democracy in Iraq. However, the reduction in number of seats also meant that many incumbents would not win re-election. Voters were able to vote only for a party slate, or for an individual candidate (although they must also vote for that candidate's slate as well)—a procedure that encourages voting for slates, not individuals. As a consequence, the political parties are generally able to choose who on their slate will occupy seats allotted for that party. This election system is 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.³

² Each province is to have 25 seats plus one seat per each 200,000 residents over 500,000.

³ The threshold for winning a seat is: the total number of valid votes divided by the number of seats up for election.

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 were eligible to vote. Any Iraqi 18 years of age or older was eligible. The vote was run by the Iraqi Higher Election Commission (IHEC). Pre-election-related violence was minimal, although a few candidates and election/political workers were killed. There were virtually no major violent incidents on election day. The Iraqi Security Forces (ISF) took the lead in defending polling places, with U.S. forces as back-up if needed. Turnout was about 51%, somewhat lower than some expected, and some voters complained of being turned away at polling places because their names were not on file. Other voters had been displaced by sectarian violence in prior years and were unable to vote in their new areas of habitation. The vote totals are now known, and, by April 2009, the exact seat allocations, council compositions, and provincial administrations are to be determined.

Outcomes and Implications

Some of the primary outcomes of the elections appear to be evident based on the results for the the two main Shiite parties, which have been allies but were rivals in the provincial elections. In the mostly Shiite southern provinces, ISCI (Shahid Mihrab list) and Maliki's Da'wa offered competing lists. Maliki did not run himself, as he is Prime Minister, but his Da'wa followers ran on the "State of Law Coalition" slate. Maliki's post-election political position apparently has been enhanced by the strong showing of this list. Any discussions of a possible vote of no confidence against Maliki are likely derailed, based on the election results. The Maliki slate will likely end up in effective control of Baghdad province, displacing ISCI, and in control of or very politically strong in most of the Shiite provinces of the south, including Basra. Maliki's slate also fended off a challenge from former Prime Minister Ibrahim al-Jafari's slate, which is considered strong among some Islamist Shiites. Results are in the chart below.

The apparent big loser in the elections was ISCI, which had been favored because it is well organized and well funded. ISCI favors more power for the provinces and less for the central government; centralization is perceived as Maliki's preferred power structure. ISCI did not even fare well 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. ISCI will likely win only won about 8 seats on the Baghdad province council, down from the 28 it held previously. ISCI's ally, the Badr Organization (political front for the Badr Brigades militia run by ISCI) also fielded candidates. Some observers believe that the poor showing for ISCI was a product not only of its call for devolving power out of Baghdad, but also because of its perceived close ties to Iran, which some Iraqis believe is exercising undue influence on Iraqi politics.

The unexpected strength of secular parties such as that of former Prime Minister Iyad al-Allawi, appeared to show that voters favored slates committed to strong central government and "rule of law," as well as to the concept of Iraqi nationalism. This trend was also reflected in the strong showing of a relatively obscure list filed by a Karbala provincial administration figure. The figure, Yusuf al-Habbubi, is well thought of in the province for even-handedness and his boasts of close ties to Saddam's elder son Uday (killed in Operation Iraqi Freedom in 2003) did not hurt him politically, even though most Karbala residents are Shiites repressed by Saddam's government. Other results that support that trend were the relatively poor showings of the Fadhila (Islamic Virtue) Party. Fadhila previously dominated the Basra provincial council and administration, a platform from which it launched a move by file a petition, under the 2006 regions law, to form a new region consisting only of Basra province. This effort did not attract the

needed 10% of provincial residents' signatures to trigger a referendum by the time of the provincial elections. It is likely that Fadhila's relatively poor showing and the broader trend of support for strong central government will derail the Basra region movement for the near future.

U.S. officials had hoped that the elections would bring Sunni Muslims ever further into the political structure. Sunnis boycotted the January 2005 provincial elections and have been poorly represented in some mixed provinces, such as Diyala and Nineveh. It was also hoped that the elections would help incorporate into the political structure the tribal leaders ("Awakening Councils") who recruited the Sons of Iraq fighters. These Sunni tribalists offered election slates and were expected to show strength at the expense of the established Sunni parties, particularly the Iraqi Islamic Party (IIP).

The established, mostly urban Sunni parties, led by the IIP, had been struggling in 2008 as the broader Accord Front (Tawafuq) fragmented. In the provincial elections, one of its component parties—the National Dialogue Council—ran on slates that competed with the IIP in several provinces. That competing slate came in first in the almost entirely Sunni province of Al Anbar, and it also finished ahead of the several lists fielded by the tribes of the Awakening movement. The tribal leaders accused their rivals of manipulating the vote and there were some reports of violence—or threatened violence—in response to the perceived misfeasance. However, subsequent talks with government and other mediators calmed Anbar and it appears that most factions are now likely to refrain from further violent challenges to the results.

Another expected outcome of the election was that Sunni Arabs would wrest control of the Nineveh 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. That appears to have occurred, with a Sunni list (al-Hadba'a) winning a clear plurality of the Nineveh vote. That slate is composed of Sunnis who openly oppose Kurdish encroachment in the province and who are committed to the "Arab and Islamic identity" of the province. Nineveh contains numerous territories inhabited by Kurds and which have been a source of growing tension between the Kurdistan Regional Government (KRG) and the central government in Baghdad.

Another mixed province, Diyala, was hotly contested between Shiite and Sunni Arab and Kurdish slates, reflecting the character of the province as another front line between the Kurds and the central government. As noted in the elections results chart below, the provincial version of the Accord Front narrowly beat out the Kurds for first place. Some Shiite slates, including Maliki's list, the list loyal to former Prime Minister Ibrahim al-Jafari, and the pro-Sadr slate, also won significant votes. 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.

Other U.S. officials saw the elections as key opportunity to move Moqtada al-Sadr's faction firmly away from armed conflict against the mainstream Shiite parties. That conflict surged in the March 2008 Basra offensive discussed above. Sadr announced in October 2008 that he would not field a separate list in the provincial elections but support Sadrists on other lists. Sadr's faction, represented mainly in the "Independent Liberals Trend" list, filed candidate slates in several provinces mostly in the south. The slate fared well enough in several southern provinces to be a potential coalition partner, but not well enough to control any provinces outright. The failure of Sadrists to win control of any councils could reflect 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.

Elections Going Forward

Some observers maintain that the success of the provincial elections could be determined by subsequent contests. Within six months, district and sub-district elections are to take place. There are also to be provincial elections in the three Kurdish controlled provinces and the disputed province of Kirkuk, subsequent to a settlement of the Kirkuk dispute. Moreover, Iraq is supposed to hold new national elections in late 2009 upon the expiration of the term of the existing Council of Representatives. That election would determine Iraq's national leadership for the subsequent four years. There is also a planned referendum by July 31, 2009 on the U.S.-Iraq status of forces agreement.

Depending on political outcomes, there could be further elections. Among them would be a referendum on whether Basra province could form a new "region;" a referendum on any agreed settlement on Kirkuk; and a vote on amendments to Iraq's 2005 constitution.

Table I. 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%; Independent Liberals Trend (pro-Sadr) – 9%; Accord Front (Sunni mainstream) – 9%; Iraq National (Allawi) – 8.6%; Shahid Mihrab and Independent Forces (ISCI) – 5.4% ; National Reform list (of former P.M. Ibrahim al-Jafari) – 4.3% |
| Basra – 34 regular seats, plus one Christian seat | State of Law – 37%; ISCI list – 11.6%; pro-Sadr – 5%; Fadhila (previously dominant in Basra) – 3.2%; Allawi – 3.2%; Jafari list – 2.5% |
| Nineveh – 34 regular seats, plus one set aside for each of: Shabaks, Yazidis, and Christians | Hadbaa – 48.4%; Fraternal Nineveh – 25.5%; IIP – 6.7%; |
| Najaf – 28 seats | State of Law – 16.2%; ISCI – 14.8%; pro-Sadr – 12.2%; Jafari – 7%; Allawi – 1.8%; Fadhila – 1.6% |
| Babil – 30 seats | State of Law – 12.5%; ISCI- 8.2%; pro-Sadr – 6.2%; Jafari – 4.4%; Allawi – 3.4% ; Accord Front – 2.3%; Fadhila – 1.3% |
| Diyala – 29 seats | Accord Front list – 21.1%; Kurdistan Alliance – 17.2%; Allawi – 9.5%; State of Law – 6 % |
| Muthanna – 26 seats | State of Law – 10.9%; ISCI – 9.3%; Jafari – 6.3%; pro-Sadr – 5.5%; Fadhila – 3.7% |
| Anbar – 29 seats | National Iraqi Project Gathering (established Sunni parties, excluding IIP) – 17.6%; Iraq Awakening (Sahawa – Sunni tribals) – 17.1%; Allawi – 6.6%; Tribes of Iraq – 4.5%; |
| Maysan – 27 seats | State of Law – 17.7%; pro-Sadr lists (Independent and Sadr al-Iraq) – 16.8 %; ISCI – 14.6%; Jafari – 8.7%; Fadhila – 3.2%; Allawi – 2.3% |
| Dhi Qar – 31 seats | State of Law – 23.1%; pro-Sadr – 14.1%; ISCI – 11.1%; Jafari – 7.6%; Fadhila – 6.1%; Allawi – 2.8% |
| Karbala – 27 seats | List of Maj. Gen. Yusuf al-Habbubi (Saddam era local official) – 13.3%; State of Law – 8.5%; pro-Sadr – 6.8%; ISCI – 6.4%; 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% |
| Qadissiyah – 28 seats | State of Law – 23.1%; ISCI – 11.7%; Jafari – 8.2%; Allawi – 8%; pro-Sadr – 6.7%; Fadhila – 4.1% |
| Wasit – 28 seats | State of Law – 15.3%; ISCI – 10%; pro-Sadr – 6%; Allawi – 4.6%; Fadhila – 2.7% |

Source: UNAMI translation of results issued February 2, 2009 by the Independent Higher Election Commission of Iraq.

Table I. Election Results (January and December 2005)

| Bloc/Party | Seats (Jan. 05) | Seats (Dec. 05) |
|---|--------------------|--------------------|
| United Iraqi Alliance (UIA, Shiite Islamist). Now 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 2. 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 continues debating 50 amendments regarding federal vs. regional powers and presidential powers; Kurds want Kirkuk issue settled before finalizing amendments. Sunnis want presidential council to have enhanced powers relative to prime minister. Some progress on technical, judicial issues. Deadlines for final recommendations repeatedly extended. |
| 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. But, could allow for judicial prosecution of all ex-Baathists and to firing of about 7,000 ex-Baathists in post-Saddam security services, and bars ex-Saddam security personnel from regaining jobs. Some reports suggest some De-Baathification officials using the new law to purge political enemies or settle scores. |
| 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 2008 budget adopted February 13, 2008 maintains 17% revenue for KRG. Some reports in December 2008 suggested KRG-Baghdad compromise is close on framework and revenue sharing implementing law. |
| 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 to trigger referendum; threshold was not achieved. |

| 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) |
|--|------------------------------|------------------------|--|--|
| 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. Required implementing election law adopted September 24, 2008: (1) Provides for provincial elections by January 31, 2009; (2) postpones elections in Kirkuk and the three KRG provinces; (3) shunts broader issue of status of Kirkuk and disputed territories to a parliamentary committee to report by March 31, 2009; (4) provides open list/proportional representation voting, which allows voting for individual candidates; (5) stipulates 25% quota for women (although vaguely worded); (6) bans religious symbols on ballots. Under amending law, some seats now set aside for Christian, Yazidi, Shabak, and Sabeen minorities. |
| 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 17,000 approved for release (mostly Sunnis and Sadrist Shiites), only a few hundred released to date. 19,000 detainees held by U.S. not affected, but will be transferred to Iraqi control under SOFA which took effect January 1, 2009. |
| 7. Enacting and implementing laws on militia disarmament | no rating | unmet | Same as July | Basra operation, discussed above, viewed by Bush Administration as move against militias. On April 9, 2008, Maliki demanded all militias disband as condition for their parties to participate in provincial elections. Law on militia demobilization stalled. |
| 8. Establishing political, media, economic, and services committee to support U.S. “surge” | S | met | met | No change. “Executive Steering Committee” works with U.S.-led forces. |
| 9. Providing three trained and ready brigades to support U.S. surge | S | partly met | S | No change. Eight brigades assigned to assist the surge. Surge now ended. |
| 10. Providing Iraqi commanders with authorities to make decisions, without political intervention, to pursue all extremists, including Sunni insurgents and Shiite militias | U | unmet | S to pursue extremists U on political interference | No significant change. Still some U.S. concern over the Office of the Commander in Chief (part of Maliki’s office) control over appointments to the ISF - favoring Shiites. Still, some politically-motivated leaders remain in ISF. But, National Police said to include more Sunnis in command jobs and rank and file than one year ago. |
| 11. Ensuring Iraqi Security Forces (ISF) providing even-handed enforcement of law | U | unmet | S on military, U on police | Administration interpreted Basra operation as effort by Maliki to enforce law even-handedly, but acknowledges continued militia influence and infiltration in some units. |

| 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) |
|--|------------------------------------|-----------------------|-------------------------------------|--|
| 12. Ensuring that the surge plan in Baghdad will not provide a safe haven for any outlaw, no matter the sect | S | partly met | S | No change. Ethno-sectarian violence has fallen sharply in Baghdad. |
| 13. (a) Reducing sectarian violence and (b) eliminating militia control of local security | Mixed. S on (a); U on (b) | unmet | same as July 12 | Sectarian violence continues to drop, but Shiite militias still hold arms. 100,000 Sunni "Sons of Iraq," still distrusted as potential Sunni militiamen. Iraq government assumed payment of 54,000 Sons as of November 10, but opposes integrating more than about 20% into the ISF. |
| 14. Establishing Baghdad joint security stations | S | met | S | Over 50 joint security stations operating at the height of U.S. troop surge. |
| 15. Increasing ISF units capable of operating independently | U | unmet | U | Continuing but slow progress training ISF. U.S. officials say ISF likely unable to secure Iraq internally until 2009-2012; and against external threats not for several years thereafter. Basra operation initially exposed factionalism and poor leadership in ISF, but also ability to rapidly deploy. |
| 16. Ensuring protection of minority parties in COR | S | met | S | No change. Rights of minority parties protected by Article 37 of constitution. |
| 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 making false accusations against ISF members | U | unmet | U | Some governmental recriminations against some ISF officers still observed. |

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