



مركز المنصة للتنمية المستدامة
PLATFORM CENTER FOR SUSTAINABLE DEVELOPMENT

Issue and Analysis **Elections** for Iraq's Provincial Councils



Issue & Analysis

Monthly publication from PSDIraq that sheds light on a salient issue that dominates policymaking circles and public opinion



About the Center

Platform Center for Sustainable Development (PSDIraq) is a registered NGO at the Directorate of Non-governmental organisations in the General Secretariat of the Council of Ministers under the number (152106012). It is a space for thinking, discussing, and working towards positive change in Iraq.

Vision

We seek to establish a platform for dialogue and policies to contribute to achieving sustainable development goals in Iraq.

Mission

Bridging the gap between the state and society in a way that ensures the realization of the essence of democracy represented by the participation of citizens in the decision-making processes, through training, monitoring, analyzing, researching, awareness raising, and advocacy campaigns.

Strategic Goals

Preparing Youth to fulfill their societal obligations by analyzing root causes of problems, proposing feasible and desirable policy alternatives and advocating for their implementation

Presenting statistics and issues that occupy the political and societal scene to reflect a deeper understanding of Iraq's realities

Encouraging youth to work towards achieving sustainable development goals

Establishing a network of active, informed, and committed citizens towards Iraq's state-building project

Issue

In its sixteenth session on March 2023 ,27, the Iraqi Council of Representatives voted on the third amendment to the Law on the Elections of the Council of Representatives and Provincial Councils, and Districts No. 12 of 2018, with the attendance of 218 deputies. This move faced opposition from smaller and emerging parties, independent deputies, and protest movements, which believe that the amendments to the law primarily serve establishment parties.

According to the new amendment to the law, each province will be treated as a single electoral district, replacing the previous multi-district system within each province, which divided Iraq into 83 electoral districts. This new amendment essentially reverts to the electoral law applied in the 2018 Council of Representatives elections.

On June 2023 ,20, the Iraqi Council of Ministers set December 18 as the date for the upcoming elections for Provincial Councils. This decision aligns with the ministerial program presented by the government and approved by the Council of Representatives in October 2022. These elections are taking place after a decade, as the last elections for Provincial Councils were held in April 2013. The upcoming Provincial Council elections will be conducted in 15 out of the 18 Iraqi provinces, as the Kurdistan Region provinces (Erbil, Dohuk, Sulaymaniyah) are not included. It's worth noting that the Federal Supreme Court ruled on the unconstitutionality of Article 2 of Law No. 2 of 2019, which amends the Law of the Provinces of the Kurdistan Region of Iraq No. 3 of 2009, extending the terms of the Provincial Councils in the Region. This ruling was made on September 2023 ,24, under Decision No. 124/Federal/2023.

For the upcoming Provincial Council elections, 6,414 candidates have registered to compete for 275 seats in the 15 provinces. Additionally, there are 10 seats allocated to minority components, with four for Christians, two for Yezidis, two for Sabaeans-Mandaeans, and one each for Shabak and Kaka'i.

The Independent High Electoral Commission has conducted three simulation exercises to date to ensure the functionality and integrity of the voting devices in preparation for the Provincial Council elections. These exercises aim to identify potential issues on election day and assess the speed and accuracy of the electoral devices.

Analysis

The previous Provincial Council elections were held in 2005, marking the first time Iraqis voted for provincial councils. These elections took place simultaneously with the Iraqi Council of Representatives elections, but they faced boycotts from various political and social forces amid challenging security conditions. The second elections were held in 2009 with a participation rate of %51, covering 14 provinces but excluding the Kurdistan Region provinces and Kirkuk. The third and most recent Provincial Council elections were conducted in 2013, with a participation rate of %50, and took place in 12 Iraqi provinces due to delays in the Kurdistan Region and the provinces of Kirkuk, Nineveh, and Anbar, caused by intense political and security tensions at that time.

Over the course of 10 years, the political landscape in Iraq has significantly transformed. The country experienced a severe security crisis with the emergence of terrorist organizations, namely Daesh, which controlled a large swath of Iraqi territory in June 2014. These changes reshaped political alliances and sidelined some political entities while giving rise to new and previously less politically active forces.

As for the results of last provincial elections, the State of Law Coalition, led by former Prime Minister Nouri al-Maliki secured the top position in seven provinces, followed by the Al-Muwatin Alliance, led by Ammar al-Hakim. The Al-Ahrar Alliance, under the leadership of Muqtada al-Sadr, ranked third.

Suspension of Provincial Councils

As a response to the popular protests in October 2019, demanding reforms and improved services in the capital city of Baghdad and central and southern provinces of Iraq, the Iraqi Parliament made the decision to suspend the work of provincial councils. This suspension was based on the unconstitutionality of extending their terms after the end of their electoral sessions. The Federal Supreme Court confirmed that suspending the provincial councils is constitutional, but it is not adequate to abolish their existence as constitutional local bodies. The court's statement emphasized that the continued operation of elected councils, whether as national or local entities, after the end of their electoral terms would represent a violation of the people's rights to vote, elect, and nominate and would undermine the will of the voters.

Importance of Provincial Councils

Provincial councils hold various legislative and oversight responsibilities, including monitoring the work of the governor and government departments within the province. The absence of provincial councils led to a lack of administrative stability in some provinces between 2019 and 2023. It also resulted in frequent changes in governors due to dismissal, resignation, and removal. In contrast, when provincial councils were in place, there was generally more stability because governors completed their full four-year electoral terms. This illustrates the significance of provincial councils as an institution.

Province	Number of Governors Removed, Resigned, and Appointed
Najaf	2
Thi Qar	5
Diwaniyah	2
Salah al-Din	2
Babil	4

Provincial councils are not only constitutionally essential but also operationally significant. The Iraqi Constitution of 2005 adopted administrative decentralization and explicitly mandated the election of the provincial council, creating them to represent the popular base of the province.

Provincial Councils› Jurisdiction

Provincial councils exercise legislative and supervisory jurisdiction. Article 2 of Law No. 21 of 2008, Provinces not incorporated into regions, states that the provincial council «is the legislative and supervisory authority in the province, with the right to issue local legislations that enable it to manage its affairs according to the principle of administrative decentralization, in a manner that does not contradict the constitution and federal laws that fall within the exclusive jurisdiction of the federal authorities.» This broad authority grants provincial councils legislative as well as oversight powers, rather than just oversight. However, this provision establishes a condition that their legislations should not conflict with federal authorities› powers and jurisdictions. Among these federal authorities› powers is foreign relations. Provincial councils do not have the right to conclude international agreements and treaties, nor to send diplomatic envoys and ambassadors independently of the state.

Article 7 of Law No. 21 of 2008 outlines the authorities and tasks of the provincial council, including the election and removal of the council chairperson and his/her deputies, the governor and his/her deputies, and the issuance of local legislations, regulations, and instructions to organize administrative, financial, and technical affairs in a way that allows for local management, in accordance with the principles of administrative decentralization, as long as it does not contradict the constitution and federal laws. It also entrusts provincial councils with the responsibility to set the public policy for the province, determine its priorities in all areas, and coordinate with relevant ministries and authorities. In case of disagreements, the council's decision takes precedence. Additionally, the preparation of the council's budget and approval of the province's budget is among their responsibilities, as well as oversight over all state department activities within the province to ensure the proper execution of their work.

Electoral Competition

In the upcoming elections for provincial councils, 6,414 candidates are competing. Among them, only 66 candidates are running as independents, while the rest are affiliated with political parties and alliances. There are 39 political alliances and 29 political parties competing for 275 seats in 15 Iraqi provinces. Additionally, there are 10 seats allocated to minority components, including Christians, Yezidis, Sabaeans-Mandaeans, Shabak, and Kaka'i. The following table illustrates the number of seats allocated for each province:

[Table 1: Number of Seats Allocated for Provincial Councils in Each Province]

Province	Total Seats	Seats for Women
Wasit	14	4
Nineveh	26	7
Maysan	13	4
Kirkuk	15	4
Karbala	13	4
Salah al-Din	15	4
Dhi Qar	18	5
Diyala	15	4
Baghdad	49	13
Babil	18	5
Najaf	15	4
Muthanna	12	3
Diwanayah	14	4
Basra	22	6
Anbar	16	4
Total	275	75

Allocation of Seats for Provincial Councils

In Iraq, the number of seats allocated for provincial councils varies by province. Baghdad has the largest number of seats with 62, accounting for approximately %22 of the total seats. Following Baghdad, Nineveh has 33 seats, representing around %12 of the seats, and then Basra with 28 seats, making up about %10 of the total seats. The distribution of seats in each province is based on a mechanism adopted by the Independent High Electoral Commission. This mechanism allots 12 seats per province, with one seat typically allocated for every 200,000 residents beyond one million in population.

Electoral Competition

In these elections, there is a mix of both traditional and emerging political parties. Emerging parties often contend that establishment parties can exploit their political and governmental influence to influence voters' decisions. For instance, there have been calls for ministers, the head of the Popular Mobilization Forces, and governors with electoral lists participating in the upcoming provincial council elections to be granted mandatory leave to prevent the exploitation of state resources for electoral purposes. This proposal may face rejection from the Independent High Electoral Commission due to potential administrative gaps it might create.

Electoral Processes Conducted by the Commission

The Independent High Electoral Commission has conducted 12 elections since its establishment in 2004. It has evolved its capabilities from manual vote counting and tabulation to electronic counting and tabulation. It has also adopted electronic voter cards, replacing paper cards used in its early stages. The current commissioners and staffers did conduct the 2021 elections with high level of transparency, as confirmed by local and international entities.

Here's a list of the elections conducted by the commission:

1. National Assembly and Provincial Council Elections - January 2005 ,30.
2. Referendum on the Iraqi Constitution - October 2005 ,15.
3. Iraqi Council of Representatives Elections (first legislative term) - December 2005 ,15.
4. Provincial Council Elections - January 2009 ,31.
5. Kurdistan Regional Council Elections - July 2009 ,25.
6. Kurdistan Regional Presidency Elections - July 2009 ,25.

7. Iraqi Council of Representatives Elections (second legislative term) - March 2010 ,7.
8. Provincial Council Elections - April 2013 ,20.
9. Kurdistan Parliament Elections - September 2014 ,20.
10. Iraqi Council of Representatives Elections (third legislative term) - April 2014 ,30.
11. Iraqi Council of Representatives Elections (fourth legislative term) - May 2018 ,12.
12. Iraqi Council of Representatives Elections (fifth legislative term, early elections) - October ,10 2021.

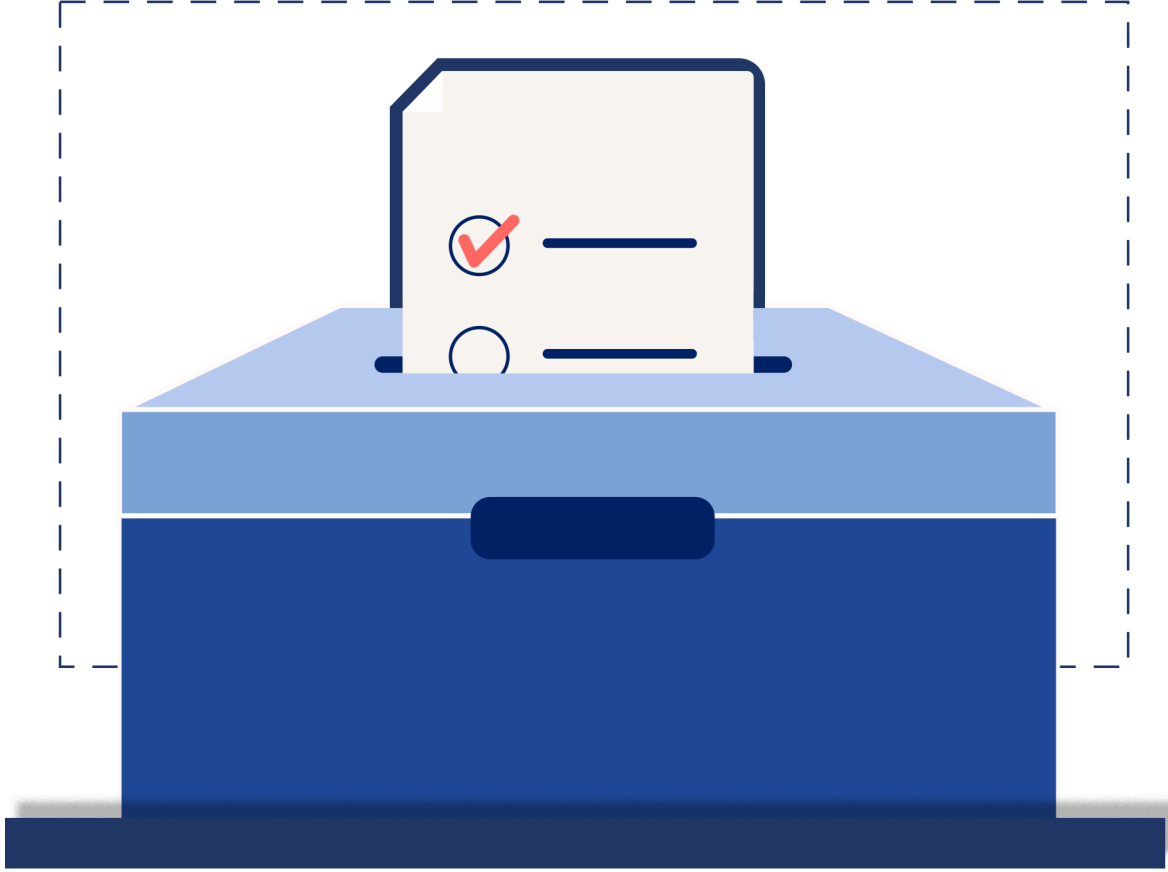
Challenges Facing the Electoral Process

Several challenges confront the electoral process in Iraq:

1. **Low Voter Turnout:** There has been a gradual decline in voter turnout in Iraqi elections. While the first post-Saddam elections in 2005 had a turnout of %79.36, subsequent elections have seen reduced participation, with the 2018 elections having a turnout of %44.52. This decline continued in the 2021 early elections, with a participation rate of %43.54. This decrease is one of the major challenges facing the elections.
2. **Challenges to Election Legitimacy:** Despite using triple verification and electronic verification systems, the 2021 elections faced numerous legal challenges to their legitimacy. International oversight accompanied the elections, but complaints persisted.
3. **Non-Participation of Influential Factions:** The Sadr Movement's non-participation in provincial council elections poses a challenge for their successful implementation in areas where the Sadr Movement enjoys significant support, potentially affecting the elections' integrity.
4. **Potential Return to Manual Counting:** The recent electoral law allows for manual counting in cases where the results of electronic counting do not match the manual count by less than %5.
5. **Election Irregularities:** Some provinces, like Kirkuk and Diyala, face substantial social and political fragmentation that may lead to election irregularities during campaigning, on election day, and in the period before the results are announced. Notably, provincial council elections have not been held in Kirkuk since 2005.
6. **Logistical Challenges:** The Independent High Electoral Commission faces logistical challenges, including securing surveillance cameras required by law and establishing them in districts and areas where basic requirements might be lacking. Additionally, there are concerns about the use of camera recordings to monitor violations and whether they will be presented as redress before the judiciary.



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psdiraq.org



info@psdiraq.org



07731551117



@psdiraq