

Challenges of Early Elections in Iraq

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Authors

Rudaw RC

Dr.Halimat Gharib

Advisor at Rudaw Research Center|

Introduction

In the political system, holding early election has seen as one of the solutions to resolve political tensions. Especially when there is dispute between head of state and parliament speaker, often Prime Minister and president together can dissolve parliament and announce holding early elections before actual date that been set by the constitution and elections law.

Last week Iraqi PM Mustafa al-Kadhimi announced that early elections will be held on June 6, 2021. Since 2006 this is for the first time in Iraqi political process due to the political tensions early elections been set to be held. But early elections did not regulate by the Iraqi permanent constitution and elections law of 2019. Therefore there are many different views and reactions on the upcoming elections. In this analysis we write on holding early elections as solution for the current deep political crisis, and whether this will become a savior of Iraqis and end their problems or will repeat them in new political form? As well as analyze most important challenges to the early elections.

The elections: solution or problem?

Holding early election, was one of the demands of Iraqi protesters that was started in October, 2019. Protesters thought that to correct political path in Iraq, the elections system need to be changed as produced such "weak" parliament that out of partisan and political agenda cannot propose any national projects, but protesters forgot that elections cannot nationalize political process in Iraq. Therefore both failed former Iraqi prime ministers (Adnan al-Zurfi and Mohammed Tofiq Allawi) promised that early election will be their cabinets' priority if they get parliament support, but neither one got enough support to form government. Current PM al-Kadhimi, made early elections as his cabinet's priority that to be fair, clean elections.

Kadhimi under Iraqi protesters and public pressure set the date of Iraqi parliamentary early election, but the question here what the new elections will change? I do not think elections will save the country from its deep crises, because the new election in its best form won't be cleaner from previous one. This is the repeat of same political path, but in a little different way!

Key challenges to early elections

The date was set for early election (June, 2021) is not too far from actual date for the upcoming Iraqi national elections that due to take place in May 2022. The difference is only 11 months and in the meantime there are four main challenges for holding early elections which make it impossible to happen on time:

1- Incomplete elections law: one of the main obstacles is not finalizing the elections law and deep political tensions over adopting multi _circle system for the elections. The political parties supposed to discuss this further and reach an agreement to finalize the law. And there are two different views on multi-circles system some ask for multi- circles at the governorate level and others ask for multi-circle at the national level. So without solve this tension is impossible for current government to held elections on the proposed date.

2-Dissolution of parliament: another obstacle for this election is the current parliament. As for holding early elections current parliament need to be dissolved and within 60 days set a date for elections, but now there is extreme tension between Iraqi parliament presidency with council of ministers especially with PM on how to set a date for early elections.

Parliament speaker Mohammed al-Halbusi believes that date for the elections need to be set according to constitution article (64). But PM based on article (2/7) of elections law set the date. This has deepened tension that became an obstacle for the elections. Despite that most of the MPs are against dissolve parliament, because they are concerned to lose their seat in the upcoming election. Therefore current MPs as much they can will keep making problems for holding early elections and want to keep their seats until next actual national elections. It is worth to mention that after passing elections law, both Iraqi president and PM can dissolve parliament and set the date for early elections but without finalizing elections law is impossible to dissolve parliament and hold elections.

3-Incomplete Federal Supreme Court: the high federal court according to constitution is the only Iraqi body legally authorized to certify election results. But the issue is that current federal court was not established according to constitution. Before drafting permanent constitution the federal court was established by an order from the transitional government in 2004. Therefore it was necessary to issue new law for the federal court that its structure and qualifications selected in constitution. But due to political tensions this law was not issued yet and the federal court has same status. In the meantime the court now has another issue which is retirement of one of its members which no one replaced yet so this has raised question over legitimacy of the federal court.

4-Technical Issue: Despite other obstacles mentioned above there are some technical obstacles as well which most important one is allocating budget for the elections. This is at time that Iraq is going through deep financial crisis that even cannot allocate budget for its employees' salaries and now through public loan law wants to face the crisis. As well as widely outbreak of covid-19 across Iraq and allocate huge budget to fight the virus is costly for Iraq. There are also logistical and human resources issue with the Iraqi high electoral commission which has not been solved yet. The electoral commission was not ratified by parliament and its structure not regulated yet. And there is need of high number of employees to be trained on the early elections. Because according to the elections law this is going to be a different one and employees needs special training to manage the elections.

The Kurds as Spectator

The Kurdish leadership did not comment on the early elections yet. This means that does not have much issue to hold early elections or take place on its actual date. What's matter for the Kurdish political parties is finalizing the elections law and select election circles. The Kurdish ruling parties (KDP and PUK) does not seem to be happy with multi- circle system at the governorates level, so this is more important for them than elections date. Another issue that matter for the Kurds is normalize situation of disputed areas. These areas now are facing slow demographic changes. Therefore is important to end this situation in the disputed areas ahead of elections. In order to make most Kurds participate in the upcoming elections, IDPs return back to their areas of origin, hand over authority of the cities to the civilian authority and end military power in those areas. Because if current condition continues this will affect and weaken the Kurdish position. Thus is important that KDP and PUK solve the issue of Kirkuk governor (need to agree on new Kurdish candidate as Kirkuk governor) in order to have positive impact on the Kurdish position in the upcoming elections.