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Iraq's fake democracy

A new elections law has revealed the extent of Iraq's phony democracy

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Iraq's political system after the US-led invasion in 2003 that triggered the end of the era of former president Saddam Hussein has long been touted as a nascent democracy and sometimes used as a kind of bumper sticker to trumpet democratisation throughout the Arab world.

Yet in practice Iraq's executive and legislative branches of government have been dysfunctional, deadlocked and trapped in ethno-sectarian strife. Moreover, Iraq's decade-long failure of good governance has provided fodder to sceptics who have argued that there is no such thing as a successful Arab and Muslim democracy.

A row in recent weeks over amending the electoral law has now shown how entrenched political groups have made a mockery of democracy in the country and raised concerns that the new bill will produce another gridlocked parliament and a stalemated government.

At the heart of the dispute has been how parliamentary seats should be distributed. Iraq's parliament on Monday passed amendments to the electoral law after a prolonged debate, as key political groups struggled to tailor the bill to maximise their gains in the 325-seat legislature.

Iraq is slated to hold its next national elections in spring, but first the outgoing parliament should make the amendments required by the Supreme Court, which had annulled provisions in the electoral law that allowed bigger blocs to harvest more seats and ordered proportional representation for minorities.

Shortly before the vote in parliament, Vice President Kudhair Al-Khuzaie, who is acting president in the absence of ailing Iraqi President Jalal Talabani, issued a decree setting 30 April as the date for the polling.

Under the new law, the three main blocs that represent the Kurds, Shias and Sunnis in Iraq agreed to increase the total number of seats in parliament to 328 and to adjust a 2005 voting system based on bloc lists of candidates chosen by the heads of the groups.

According to a new formula, the distribution of "compensatory seats", which used to be awarded to blocs with high numbers of voters, has been replaced with the allocation of seats directly to provinces.

Under this arrangement four seats will go to the mostly Shia-populated provinces and three to each of the Kurdish and Sunni-populated provinces.

The breakthrough was made possible by a compromise proposal put forward by the United Nations Assistance Mission in Iraq (UNAMI), whose mandate includes providing advice and assistance on holding elections and referenda.

The United States also used its diplomatic leverage to push for a deal. US President Barack Obama has urged Iraqi Prime Minister Nuri Al-Maliki to make sure that parliament quickly passes the law, paving the way for the vote to happen on time.

Both acted on concerns that the deadlock in the country will jeopardize plans for the 2014 elections and stir up more sectarian violence.

At one point during the negotiations, president of the Kurdistan Regional Government Masoud Barzani threatened to boycott next year's elections if the new legislation was not satisfactory to the Kurds.

The Iraqi Kurds believe the law that governed the 2010 parliamentary elections was unfair because they did not get the number of seats they felt they deserved.

The Kurds claim that the size of the turnouts in the elections in the Kurdistan Region have been bigger than in the rest of Iraq, making the number of voters in the constituencies in Kurdistan more than those in the rest of Iraq's provinces and potentially depriving them of dozens of seats.

Under the new amendments, the Kurds have secured three guaranteed seats, or a third of the new allotment.

Yet, the new law has not been good enough for some of Iraq's minorities, who believe that they are being unfairly treated by the three large communities. Small nationalist and liberal-oriented groups are also unlikely to benefit from the amendments.

Arshad Al-Salehi of the Tourkouman Front slammed the new law as "anti-minorities".

"This law was enacted by those who consider themselves to be the untouchable rulers of Iraq, and it will reinforce sectarianism," he told the Asharqiya TV network on Monday.

Representatives of the Yazidi minority in northern Iraq who walked out of the parliament's voting session said that the new law was "tailor-made for the large political blocs".

"This is the worst elections law in the history of the Iraqi parliament," said Viyan Khalil, a Yazidi lawmaker. "We will appeal to the Supreme Court in a bid to cancel it," she told a press conference at the parliament.

The Yazidis have a strong case to appeal against the new law, since in 2010 the Supreme Court ordered an adjustment to their quota of seats based on a population census.

Iraq's 2005 constitution states that there should be one member of parliament for each 100,000 Iraqis, and the Yazidis claim that they deserve at least five seats because there are more than half a million Yazidis in Iraq.

Since Iraq has not had a census since 1997, seats in parliament are allocated to provinces according to a ration-card system that has been used as a basis for creating an electoral roll in the elections since 2005.

Using the ration-card system and ministry of planning statistics, the authorities say the country's population is now more than 35 million people, which should bring the number of members of parliament to 350.

Shia politicians have said that their religious leaders have refused to enlarge the parliament after popular protests in recent months against lawmakers who have been accused of corruption and receiving extravagant privileges, including lavish salaries and pensions.

Another reason for the appeals by disgruntled parties could be based on claims that the new law is unconstitutional because it was proposed by the parliament itself and was not drafted by the government, as is required by the constitution.

The Iraqi Supreme Court has often annulled such enactments when challenged on the basis that the constitution allows the government alone to table legislation in parliament.

The bickering over the law has come amidst an acute political impasse in Iraq that has lasted for nearly two years over Sunni complaints of marginalisation by the Shia-led government and the Kurds' mistrust of Al-Maliki, further stoking sectarian tensions.

Sunni Arab insurgency groups, including Al-Qaeda, have stepped up their attacks against Iraq's Shia-led government in recent months, raising fears of a return to full-scale sectarian strife in the sharply divided and war-battered nation.

In fact, as lawmakers were voting on the new bill, a series of bombings and other attacks ripped through areas of several Iraq cities and targeted members of the security forces and civilians.

The rise in violent attacks has left some 7,000 people dead this year alone.

While advocates of the new law say that the amendments will help to maintain stability in the country, opponents say they are a recipe for continuous chaos, arguing that Iraq's electoral system is inflammatory because it was forged to create large ethnic and sectarian voting blocks.

The critics also say that the system has been used to create fiefdoms with senior clerics, warlords, tribal chieftains and wealthy politicians at the head of political blocs in parliament where they can control Iraq's political sphere.

One of the salient features of this system has been both the weakening of the Iraqi state and the making of lawmakers not fully accountable to the voters because their first allegiance is to the party bosses who included them on their lists.

Most Iraqis would also argue that the parliament, whose members have been criticised for their greed and incompetence, has been useless in curbing violence, combating rampant corruption, or providing badly needed services such as electricity, water, housing and healthcare.

Democracy in Iraq was meant to mark the end of Saddam's autocracy and establish a government that was truly representative of the people's desires and was accountable to its citizenry.

Yet, one lesson which Iraq gives today is that democracy and elections are not one and the same thing.

One way of explaining democracy in Iraq is in the way that elections have turned out to be the facilitators of the rule of the ethnic and confessional few who have dominated the Iraqi political arena for the last decade and diminished the national state into a kind of ethno-sectarian oligarchy.

They have marginalised the mainstream and deprived most Iraqis of their right to participate in the political arena, turning the state-building project into an enterprise at the service of a parasitical political elite controlled by power-hungry politicians and militia leaders.