

Electoral Law: Signaling a Short-Lived Run for Iraq's Independent MPs?

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Brief Analysis

A change to the Sainte-Laguë representation system will significantly hinder the ability of smaller parties and independent candidates to win seats in Iraq's next elections.

The electoral struggles that several component parties of the Coordination Framework (CF) faced in Iraq's 2021 parliamentary election have all but guaranteed the return of a proportional representation electoral system, now that the CF heads Iraq's latest consensus government. With changes to Iraq's electoral law in motion, it appears that Iraq will continue its habit of re-writing the electoral law before each election.

While the proposed changes will play to the CF's advantage, they have the added draw of weakening the new independent parties that cropped up in the previous national elections. Incumbent political parties were concerned by the success of civic-minded opposition parties in 2021. Although their combined strength in the current parliament cannot stand in the way of legislation supported by the CF and its allies, the Mohammed Shia al-Sudani administration is already looking towards provincial council elections—long overdue since their [October 2019 dismissal \(https://www.rudaw.net/english/middleeast/iraq/281020192\)](https://www.rudaw.net/english/middleeast/iraq/281020192)—nearly two years beyond their statutory four-year term. Provincial councils play a key role as the sub-national legislative and oversight authority; they elect and can replace provincial governors, confirm senior special appointees, and are meant to play a significant role in provincial development plans.

By reinstating the Sainte-Laguë proportional representation system that incumbent political parties are more comfortable with, the revised law will return elections to open party lists, with each province comprising an electoral constituency. In the face of objections to the return of the Sainte-Laguë system by smaller political parties, independent MPs, and several civil society organizations, the law was drafted through closed-door political negotiations, with little time afforded to parliamentarians before its first reading. And though the return to Sainte-Laguë contravenes the guidance given by Grand Ayatollah Ali al-Sistani in a rare but meaningful pronouncement about the country's political future in the wake of the Tishreen Revolution, it is unlikely the religious leader will publicly intervene again.

Subsequently, Emtidad, Ishraqat Kanoon, the Watan Alliance, and several independent MPs have all spoken out against the system's inherent disadvantages for small political parties and independent candidates. Their voices have been bolstered by the [Democratic Forces for Change \(https://www.washingtoninstitute.org/policy-analysis/long-awaited-coalition-civil-minds-democratic-forces-change\)](https://www.washingtoninstitute.org/policy-analysis/long-awaited-coalition-civil-minds-democratic-forces-change) (DFC) and several politically-focused civil society organizations—but such efforts will ultimately not be able to mount a serious challenge to the law given the CF's majority in parliament.

On the other hand, proponents of the law have attempted to “prove” that independent and smaller voices will not be drowned out by simulating and re-calculating the results of the 2021 parliamentary election using the party list system. However, this re-calculation relied on faulty political assumptions, grouping together parties and independent candidates in unrealistic fictitious lists. For example, political parties competing for the first time in 2021 that come from significantly different ideological perspectives—such as Emtidad, Tasmeeem, Ishraqat Kanoon, and Faw to Zakho—have been grouped together, resulting in conveniently attractive but entirely infeasible results. Even if the assumption that all independent candidates would run on a single list was politically possible, in reviewing the 2021 election results using the Sainte-Laguë system, only one of the fifteen independent candidates who ran for parliamentary seats in Najaf would have won compared to the four who won seats under the current system.

Given this reality, small parties are likely going to face a difficult road in upcoming elections. Observing the development of the political wings of the Tishreen Revolution over the past several years makes clear that deep divisions, predominantly personal but occasionally ideological, impact nascent political parties just as they affect more established parties. Nearly universally overconfident in their ability to attract **increasingly disillusioned** (<https://www.washingtoninstitute.org/policy-analysis/uprising-or-election-what-kind-change-do-iraqis-want%23:-:text=According%252520to%252520the%252520latest%252520public%252520opinion%252520poll%252520C%252520conducted,not%252520designed%252520to%252520> voters, political leaders hoping to avoid a repeat of the CF-Sadrist deadlock that paralyzed the Iraqi parliament for a year are likely to be disappointed as the twin forces of ego-based political fragmentation and low voter turnout combine under the new system, splintering power amongst many actors and necessitating lengthy consensus-driven negotiations. For incumbent parties, especially those within the CF, confidence in their success will increase once proportional representation is again the law of the land, but the schisms that are already evident in governance will be amplified once negotiations over electoral lists—and their leadership—begin in earnest.

Speculation about a [return to politics \(https://www.cnbc.com/2022/08/29/iraqs-powerful-sadr-says-he-quits-politics-protests-escalate.html\)](https://www.cnbc.com/2022/08/29/iraqs-powerful-sadr-says-he-quits-politics-protests-escalate.html) by Muqtada al-Sadr, whose bloc primarily drove the shift to multi-member constituencies in 2020, pervades conversations about elections. While the Sadrist movement certainly has an affinity for the system that brought them seventy-three seats in parliament—aligning the bloc somewhat with the sentiments of nascent, civic-minded forces—the significantly more organized and cohesive Sadrists will be better suited to make the shift to a Saint Laguë system, assuming they participate in the next elections.

Sudani's government program is targeting October 2023 to hold the provincial elections, an unrealistic timeline given the CF's opposition to the current leadership of the Iraqi electoral commission, whose term expires in January 2024, as well as the yet-unpassed 2023 budget, a requirement to start operational electoral preparations. However, the government's commitment to holding the elections as soon as politically possible is evident given the assignment of CF leaders to reformulate the law and reinvigorate decentralization (<https://pmo.iq/pme/press2022en/10-11-202204en.htm>). Elections in the spring of 2024 are more realistic, given these political and operational concerns.

At stake will be control over not just provincial councils, whose ability to influence government staffing and procurement makes them lucrative, but also the ability to capture governorship positions, as the councils select and sack governors by majority vote. Independent MPs who have sought to build their own political movements and nascent parties will need to make hard choices as they begin to think about election strategy. Grassroots organizing worked for many independents in the 2021 election, but with a far larger area of competition, less well-funded

parties will struggle to reach the critical mass needed to build brand recognition and convince voters, especially Tishreeni voters whose hopes were raised in 2021, only to be dashed in 2022 when the CF formed the government. Scarce resources and insufficient voter databases will necessitate coalitions. Of course, incumbent parties also need coalitions, but for the purpose of creating a united base rather than pooling resources. Competition over who will lead lists will be fierce, especially within the CF and Tishreeni camps, though the DFC hopes to serve as a unifying Tishreeni force. Without compromises that set electoral goals over individual ego, the next elections are likely to result in several lists competing for the same voter base, leading to disappointing results for both independent candidates and their constituents. ❖

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