

The Necessity and Integrity of the KRI Parliamentary Election



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Introduction

This report focuses on analysing the legal and political environment surrounding the upcoming elections, scrutinizing the procedures of the Independent High Electoral Commission (IHEC), and highlighting the adverse effects on the electoral process due to voter mistrust in the elections, government, and political parties. Such mistrust raises serious questions about the legitimacy of the parliament and government to be established post-election. If only 60% of voters turn out in the sixth round of the KRI parliamentary elections, the parliament will represent merely 28.9% of the KRI population. Consequently, based on a 50+1 majority, the future cabinet of the KRI government would represent only 14.7% of the population, thereby diminishing their legitimacy.

Although the sixth round of the KRI parliamentary elections was originally scheduled for 2022, it has faced multiple delays. According to the decisions of the Iraqi Federal Court, the fifth round of the KRI parliament was cancelled, and the KRG is currently functioning in a legitimacy gap. This makes the implementation of the elections crucial, yet significant challenges remain that could hinder the integrity and success of the election.

Despite the election law of KRI mandating elections in 2022, political, legal, and technical issues have caused continuous delays. The KRI president has issued decrees five times to schedule the elections,

with the latest decree setting the date for October 20, 2024.

The purpose of this report is to detail the current situation in the KRI, re-establish legal legitimacy for KRG institutions, and underscore the necessity of conducting the sixth round of KRI elections without further justification. For the elections to be free, fair, and transparent, an inclusive agreement to protect citizens' interests is imperative. Political party conflicts must be resolved, and IHEC procedures must be amended to facilitate a smooth electoral process. Strengthening voter trust in the political and governmental process in the KRI is vital; otherwise, the future parliament and government will suffer from weak legitimacy and be ineffective in representing and addressing the desires and needs of citizens.

In this report, we assess the political and legal environment, elucidate the technical challenges facing the elections, and provide recommendations to overcome these challenges and ensure a successful and transparent electoral process.

Political Environment

The KRI is currently experiencing heightened political tensions, particularly between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). These conflicts, combined with the extended parliamentary terms deemed illegal by the Federal Court, have exacerbated the legitimacy crisis. Political instability in

KRI dates back to the 1960s, with recurring conflicts and periods of civil war. The current environment, divided into green and yellow zones, reflects an ongoing struggle for power between the KDP and PUK. Secret negotiations and a lack of public transparency hinder progress toward resolving these issues.

Legitimacy Gap

Since the first KRI parliamentary elections in 1992, elections have been inconsistently held, with extended parliamentary durations becoming the norm. The latest extension in 2022 was ruled illegal, further undermining governmental legitimacy.

Voter Trust and Turnout

The sustained political crisis and unfulfilled election promises have led to significant voter mistrust. Recent years have seen increased unemployment, unpaid salaries, and protests, further eroding confidence in the government. Voter turnout has steadily declined, dropping to 50.12% in the 2021 Iraqi parliamentary elections.

This situation has exacerbated the level of mistrust citizens harbour towards the parliament and government institutions. The diminishing voter support for the three dominant parties—KDP, PUK, and the Gorran Movement—exemplifies this trend. Comparative data from the 4th and 5th rounds of the KRI parliamentary elections and

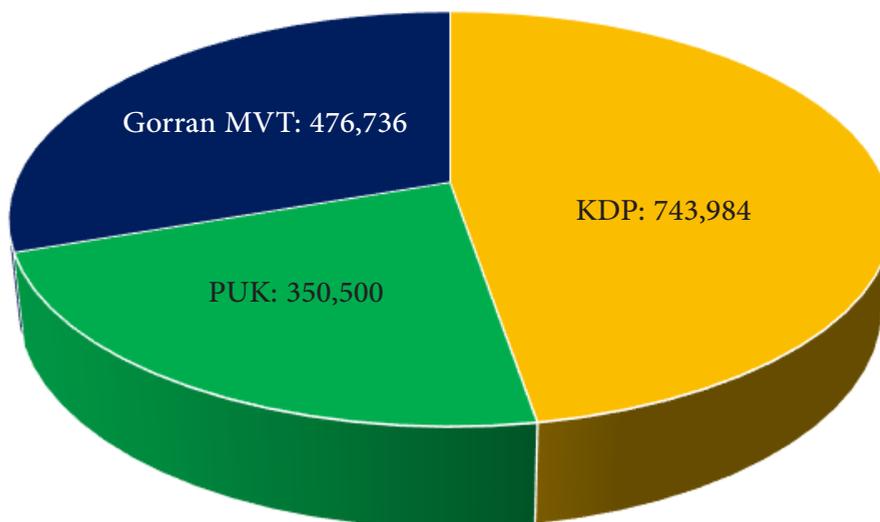
the 3rd and 5th rounds of the Iraqi parliamentary elections reveal significant vote reductions. For instance, the KDP lost 166,580 votes, the PUK 259,018 votes, and the Gorran Movement a staggering 464,432 votes, as detailed in the following tables:

Table 1:

Vote Reduction in KRI Parliamentary Elections (2013 vs. 2018)

Political Parties	Votes in 2013	Votes in 2018	Vote Reduction
KDP	743,984	688,070	55,914
PUK	350,500	319,912	30,588
Gorran MVT	476,736	186,903	289,833

Votes of the parties forming the government in the fourth session of the Kurdistan Parliament (2013):



Votes of the parties forming the government in the fifth session of the Kurdistan Parliament (2018):

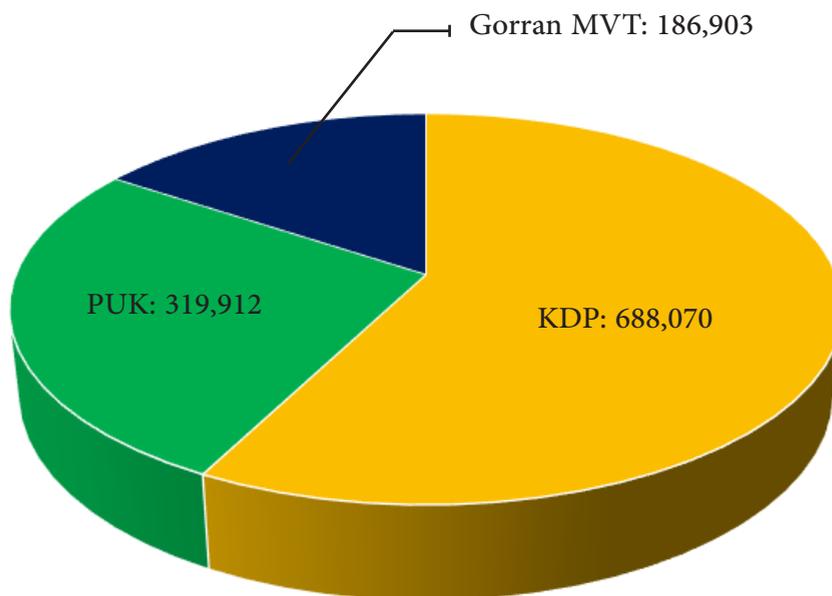
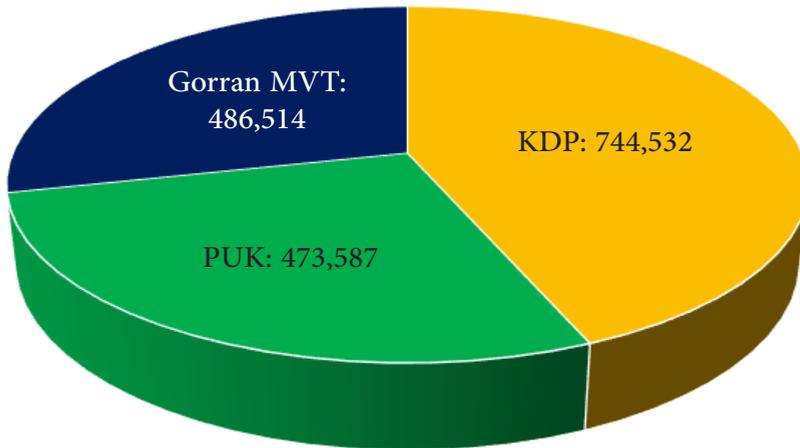


Table 2:

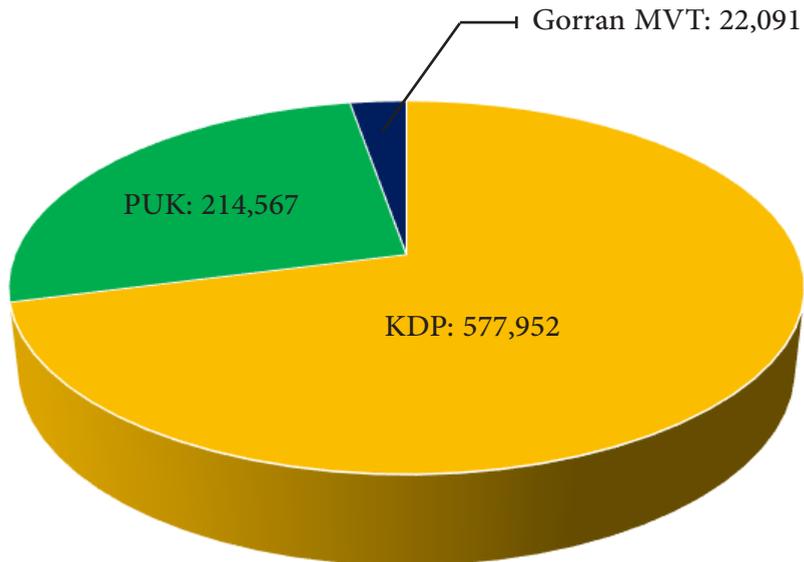
Vote Reduction in Iraqi Parliamentary Elections (2014 vs. 2021)

Political Parties	Votes in 2014	Votes in 2021	Vote Reduction
KDP	744,532	577,952	166,580
PUK	473,587	214,567	259,018
Gorran MVT	486,514	22,091	464,432

Kurdistan Parliamentary Elections (2014):



Kurdistan Parliament Election (2021):



In the 2021 Iraqi parliamentary election, the electoral system underwent significant changes. It shifted from proportional representation to a non-transferable single vote system, with open lists and individual candidates, and KRI was divided into 12 constituencies. This election saw notably low voter turnout, further confirming the growing distrust among citizens towards political parties, the government, and the electoral process.

The erosion of voter confidence stems largely from unfulfilled electoral promises and ineffective governance. Historically, voter turnout was high, driven by a sense of duty and hope for change. For example, the 1992 parliamentary elections saw an 87% turnout following the Kurdish uprising and government formation. Similarly, in 2005, after the fall of the Ba'ath regime, turnout was 74.5%. However, this enthusiasm has waned, with only 59.8% participating in the 2018 elections and a further decline to 50.12% in the 2021 Iraqi parliamentary elections within the Kurdistan Region.

A 2023 study on voter behaviour revealed that 66.3% of non-participants cited a lack of trust in the electoral process and political parties as their reason for abstention. To rebuild this trust, substantial efforts are needed at various levels. Political parties must prioritise public interest over party conflicts, and the Independent High Electoral Commission (IHEC) must ensure a transparent and fair election process grounded in law and constitutional principles.

Electoral Legal Framework

The electoral process is governed by KRI Election Law No. 1 of 1992, which has been amended multiple times. However, ongoing conflicts between KDP and PUK over further amendments have led to legal challenges. The Federal Court's decisions now form the legal basis for the upcoming elections, reducing the number of parliamentary seats and stipulating the election process.

Law No. 1 of the Kurdistan Parliamentary Elections, enacted by the Kurdistan Political Council on 8 April, 1992, primarily addresses the parliamentary process rather than the electoral procedures. Since its inception, the law has undergone seven amendments:

- 1st Amendment: Law No. 4 in 1994.
- 2nd Amendment: Law No. 5 in 1998.
- 3rd Amendment: Law No. 47 in 2004.
- 4th Amendment: Law No. 2 in 2009.
- 5th Amendment: Law No. 5 in 2009.
- 6th Amendment: Law No. 13 in 2009.
- 7th Amendment: Law No. 15 in 2011.

A contentious eighth amendment is currently under debate between the PUK and KDP. This proposed amendment aims to restructure the electoral system by dividing the region into four constituen-

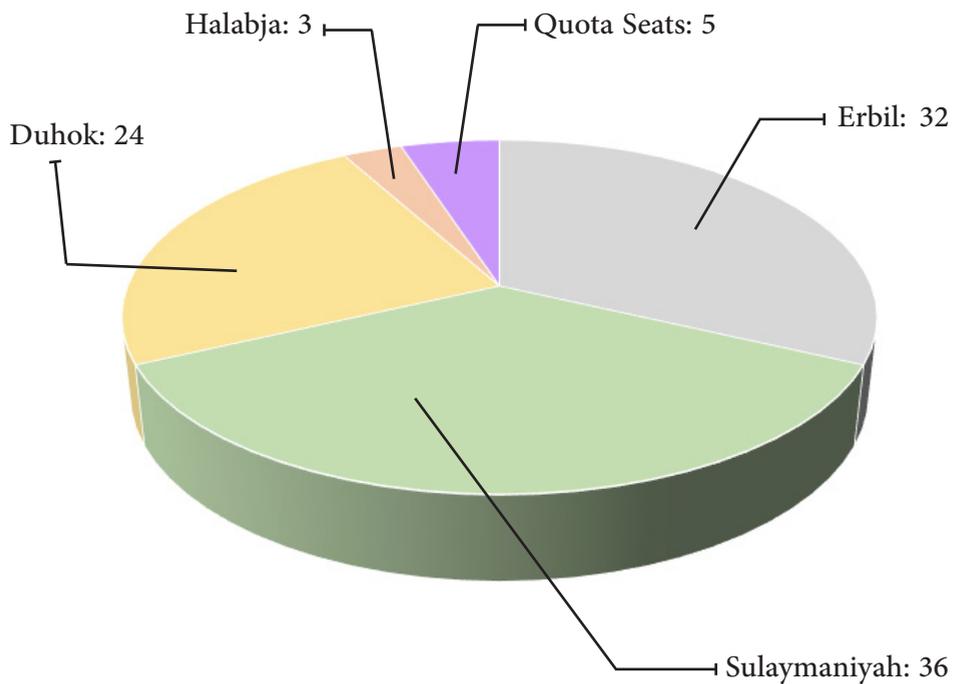
cies and allocating quota seats accordingly. This disagreement has led to several complaints being filed with the Iraqi Federal Court. Consequently, the court's decisions now serve as the legal framework for conducting the upcoming 6th round of KRI parliamentary elections.

In accordance with the Federal Court's decisions regarding the Kurdistan parliamentary elections, the Iraqi Election Commission will oversee the electoral process. The Kurdistan parliament's seats will be reduced from 111 to 100, with 95 general seats and 5 reserved for Turkmen and Christians. Kurdistan will be divided into four constituencies, with both individual candidates and political lists eligible to participate. Each list must have at least three candidates and ensure 30% representation for women.

Based on these decisions, the IHEC has distributed the 100 parliamentary seats across the four constituencies and allocated the quota seats as follows: one seat for Christians in Duhok, two seats in Erbil (one for Turkmen and one for Christians), and two seats in Sulaymaniyah (one for Turkmen and one for Christians).

The distribution is detailed in the table below:

Electoral Constituencies	General Seats	Quota Seats	Total
Erbil	32	2	34
Sulaymaniyah	36	2	38
Duhok	24	1	25
Halabja	3	0	3
Totals	95	5	100



Election Procedures

The IHEC, guided by Federal Court decisions and presidential decrees, is responsible for overseeing the election. However, concerns about the transparency and secrecy of the voting process persist, particularly regarding the use of QR codes on ballots and the composition of the Council of Commissioners.

In light of the Federal Court's decisions, which form the legal framework for the sixth session of the Kurdistan Parliament, and the decree by the President of the Kurdistan Region setting the election date, the IHEC has been tasked with drafting election rules and overseeing the election process. The Federal Court's decisions and the electoral law mandate that the voting process be conducted in secrecy and with full transparency.

However, a critical evaluation of the IHEC's procedures and technical preparations raises significant concerns about the actual conduct of a secret and transparent election process. Key issues include:

First, according to the commission's procedures, an employee, before handing the ballot paper to the voter, saves the QR code of the ballot paper in the voter identification device through an identification officer. After voting, the voter places the ballot paper into the PCOS scanner, which also scans the QR code. If this data is leaked post-election, it could potentially reveal which political party and candidate each voter supported.

Second, Law No. 31 of the Iraqi Election Commission states that the Council of Commissioners should be an independent judicial

body. However, in practice, the commission's composition reflects Iraq's multi-party and multi-ethnic landscape, with members appointed based on political party support. This composition raises concerns about the secrecy of the vote, as political parties might exert pressure to access voting data, compromising voter anonymity.

These issues highlight serious doubts about the integrity of the upcoming election process, emphasizing the need for stringent measures to ensure voter confidentiality and transparency.

Complaints and Appeals

The current IHEC procedures limit the right to complain about electronic vote counting, raising questions about transparency and the integrity of the electoral process. Another significant issue with the commission's procedures pertains to the handling of complaints and appeals during the election process, particularly at the vote counting and separation stage. The current procedure allows for complaints in the manual process but notably excludes political parties, candidates, and voters from filing complaints regarding the electronic vote count, which is conducted by a smart scanner (PCOS).

This exclusion introduces a lack of clarity and transparency in the commission's operations, as it prevents scrutiny over a critical part of the election process. The reliance on electronic vote counting raises the potential for information loss, system failures, or delays in data

transmission to the IHEC national office. Such possibilities undermine confidence in the integrity and accuracy of the electoral process, highlighting the need for comprehensive oversight and the inclusion of electronic vote count complaints to ensure transparency and accountability.

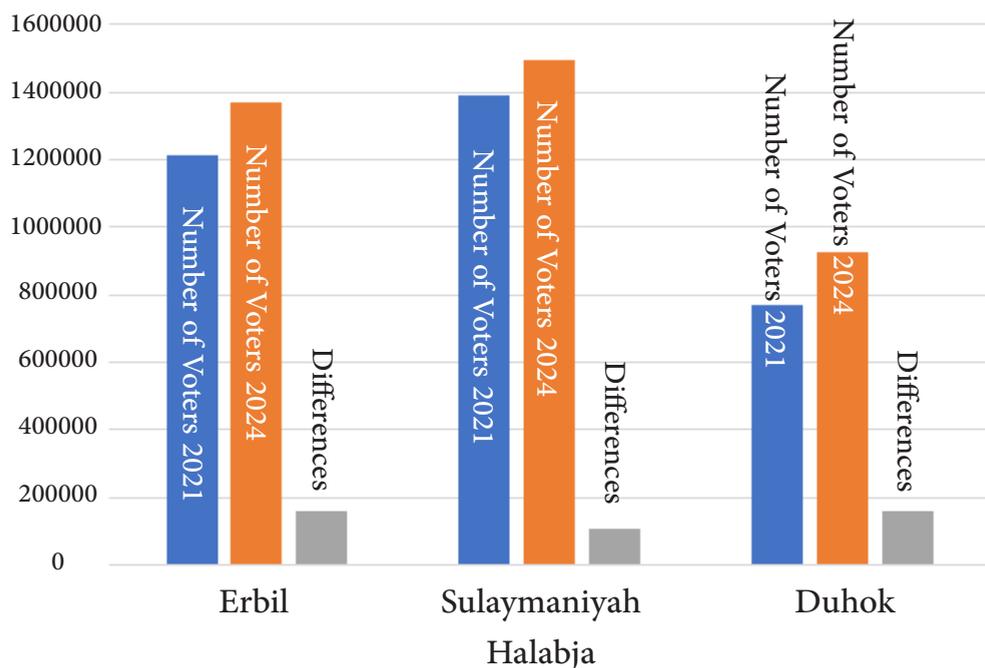
Voter Registration

According to the Federal Court's decision, possessing a biometric voter card is mandatory for citizens to participate in the voting process. IHEC data reveals that out of 3,789,390 registered voters in the Kurdistan Region, only 2,901,080 have issued biometric voter cards, meaning 76.5% of the total voters are eligible to vote. However, many voters still have not obtained their biometric cards, which could further reduce this percentage.

A notable concern in the voter registration process is the significant increase in registered voters in Duhok and Erbil. Comparing IHEC data from the 2021 Iraqi elections to the latest figures from July 2024, Duhok saw an increase of 156,044 voters, and Erbil had 156,842 more voters. In contrast, Sulaymaniyah and Halabja, despite having larger populations than Duhok or Erbil, only saw an increase of 107,239 voters combined. It remains unclear whether these increases have impacted the biometric registration process, and the IHEC has not provided an explanation.

Below is a table illustrating the voter increase in the Kurdistan Region between the 2021 Iraqi parliamentary elections and the sixth round of KRI parliamentary elections:

Governorates/ Election Constituencies	Number of Voters 2021	Number of Voters 2024	Differences
Erbil	1,210,418	1,366,462	156,044
Sulaymaniyah + Halabja	1,388,943	1,496,182	107,239
Duhok	769,904	926,746	156,842



Considering these numbers, with 2,901,080 eligible voters holding biometric cards, if we assume a 60% voter turnout, approximately 1,740,648 voters will participate in the election. Given the KRI population of 6,003,554 in 2023, this turnout would represent 28.9% of the citizens. Based on the 50+1 majority required for forming the government, the new cabinet would represent approximately 14.7% of the Kurdistan Region's population. If voter turnout is lower, the legitimacy of the parliament and government to represent the citizens would be even further diminished.

Conclusion and Recommendations

To resolve the legitimacy crisis, it is essential for all political parties to collaborate and ensure that the sixth round of parliamentary elections proceeds without further postponement. The IHEC must overhaul its procedures to guarantee a transparent and fair election. Rebuilding voter trust demands considerable efforts from political parties to prioritise the public interest over internal conflicts.

Recommendations

Enhance Transparency and Voter Secrecy:

I. Amend IHEC procedures to ensure transparency at every stage of the electoral process and to protect the secrecy of voters' choices.

Adhere to Legal and Constitutional Principles:

II. The election process must be rigorously conducted in line with legal and constitutional standards to maintain its integrity and fairness.

Prioritise Public Interests:

III. Political parties should shift their focus from internal power struggles to addressing and serving the needs and interests of the public.

Comprehensive Voter Education and Outreach:

IV. Implement extensive voter education and outreach programmes to restore and build trust in the electoral process among citizens.

By addressing these critical issues, the Kurdistan Region of Iraq (KRI) can progress towards a more stable and legitimate governance framework, one that genuinely represents the will of its citizens. This will not only enhance the credibility of the elections but also strengthen democratic institutions and public trust in the political system.

The path forward requires concerted efforts and a unified commitment to democratic principles, transparency, and accountability. Only through such collective action can the KRI hope to establish a robust and enduring democratic system that commands the confidence and participation of its people.

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