

IRAQI CANDIDATE DISQUALIFICATION UPDATE

Seven of the eight names of the Accountability and Justice Commission's additional candidates for disqualification based upon the de-Baathification law were released today by Haider al-Mullah,¹ spokesman for the Iraqi List. These individuals join Ibrahim al-Mutlak, who was among the 52 candidates named prior to the election, but whose disqualification at the time was denied by IHEC for having been named too late in the election process.² On April 26, 2010, the three-judge election panel nullified their candidacies in response to an appeal submitted by the State of Law List, led by Prime Minister Nouri al-Maliki.³ The names of the disqualified seat-winners in Iraq's parliamentary elections are as follows:

	Name of Candidate	Number of Votes	Province	Coalition	Party
1	Muhammad Naser Karbuli	16122	Anbar	Iraqi List	HaI
2	Iskander Witwit	11644	Babil	Iraqi List	Wifaq
3	Attab Jasem Nasif	6179	Baghdad	Iraqi List	HaI
4	Qays Shathr	3451	Baghdad	Iraqi List	HaI
5	Adnan Janabi	6280	Baghdad	Iraqi List	Wifaq
6	Jamal Batikh	9163	Wasit	Iraqi List	Wifaq
7	Falah Hassan Zaidan	18954	Ninewa	Iraqi List	Hiwar
8	Unknown	Unknown	Unknown	State of Law?	Unknown
9	Ibrahim Mutlak	5473	Baghdad	Iraqi List	Hiwar

Their disqualification will have an effect on the number of seats retained by the Iraqi List which, at the moment, enjoys a slim plurality of two votes ahead of their competitor, the State of Law List. The loss for the Iraqi List of these winning candidates is compounded by the fact that, according to official statements,⁴ the ballots cast for the disqualified candidates will also be rejected, reducing the total number of votes received by the electoral list in every province affected.

Having manually recalculated the seat allocations in light of the disqualification of ballots cast for the specified candidates, the Iraqi List is likely to suffer the following seat losses in the provinces affected:

Province	Ballots Disqualified	Current Seat Allocation	New Seat Allocation	Total Change
Anbar	16122	11	11	0
Babil	11644	3	2	-1
Baghdad	21383	24	24	0
Wasit	9163	2	1	-1
Ninewa	18954	20	20	0
			TOTAL CHANGE	2 SEATS LOST

It is important to note that these seat allocations do not reflect the effects of the potential ban of the 52 other candidates that have been listed for disqualification, other than Ibrahim Mutlak. Though they did not win seats, the votes these individuals garnered, if lost, could profoundly affect seat distributions across Iraq.

Though the decision to ban these candidates is far from final, should these disqualifications be upheld, the two seats lost would reduce the Iraqi List total nation-wide seat count from 91 to 89. Further, in the province of Wasit, the seat lost by the Iraqi List will go to State of Law raising their total nation-wide seat count from 89 to 90. Likewise, the seat lost by the Iraqi List in Babil will be picked up by the Iraqi National Alliance (INA), for a total of 71 seats. Should the disqualifications stand, the final vote counts for the two competing lists would be 89 seats for the Iraqi List and 90 for State of Law, giving the State of Law Coalition and its leader, Prime Minister Maliki, the unequivocal right to attempt formation of Iraq's next government.

FINAL NATION-WIDE SEAT COUNT	
STATE OF LAW COALITION : 90	IRAQI LIST : 89

Should the disqualifications be upheld, not only does this affect the number of seats in the Iraqi List's plurality, but it also changes the manner in which the future governing coalition could be formed. The following tables give two potential examples of governing coalitions now possible with the described seat reallocations. The governing coalition will require 163 seats to hold the simple majority needed to pass a vote of confidence within the Council of Representatives and the new seat distributions to State of Law and the INA make that task easier for Prime Minister Maliki.

RECONSTITUTED SHI'A ALLIANCE	
List/Party	Seats
State of Law	90
INA	71
Total	161

STATE OF LAW / ISCI / KURDS	
List/Party	Seats
State of Law	90
Kurdish Lists	57
ISCI	18
Total	165

In the first example, the presumption is that the INA will be willing to enter into a coalition, in its entirety, with State of Law as it stands today. This may not be possible given the Sadrist's pronouncements that they will not participate in any coalition with Maliki as its Prime Ministerial designee. However, should the whole of the INA participate in such a coalition, this would yield a total of 161 seats, easy striking distance to the 163 needed for the vote of confidence.

The second example bears resemblance to the coalition that has led the Iraqi Council of Representatives in recent years. This possibility presumes that the whole of the Kurdish delegation, comprised of the Kurdistan List, Gorran and two smaller Kurdish parties, enters into the coalition as a coherent bloc. This may not happen given the many public statements by Gorran indicating that they are at odds with elements within the Kurdistan List. However, such an alliance does have potential as there is a long standing political connection between Islamic Supreme Council of Iraq (ISCI), the Kurds and State of Law. Further, this coalition would allow State of Law to employ the seats of ISCI without accepting the necessary concessions that would be demanded by the remainder of ISCI's partners in the INA, particularly those of the Sadrists. Should the whole of the Kurdish Delegation, ISCI and State of law form a coalition, they would exceed the 163 seats necessary to form a government. In both examples, any small shortcomings can be overcome through appeals made to the smaller Sunni parties, who between them garnered 10 seats.

ENDNOTES

¹ "Iraqi List Reveals the Names of their Winning Candidates Uprooted," Al Sumaria News, April 29, 2010.

² Hannah Allam, "Iraq Commission Moves to Disqualify Winning Candidates," McClatchy Newspapers, March 29, 2010.

³ Ned Parker, "Iraqi Panel Voids Candidates of 52 substitutes in March vote," The Los Angeles Times, April 26, 2010; "Alsumaria News publish the names of specific candidates, the 52 covered by the decisions of the accountability and justice," AlSumaria News, April 27, 2010.

⁴ "Al-Iraqiyah List to Lose Parliament Seats; PM's List Condemns Sadrists," Al-Sharqiyah Television, April 26, 2010. Source: BBC Monitoring Middle East – Political, BBC Worldwide Monitoring, April 27, 2010.