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BACKGROUNDER

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IRAQI ELECTIONS UPDATE

This backgrounder is an update to the ISW publication dated January 14, 2010 and entitled "Sunni Politicians Barred from Candidacy." The political landscape in Iraq has changed dramatically. Multiple government entities and politicians have weighed-in on the issue of the candidate ban, various politicians have claimed undue foreign involvement by different governments and, as the elections draw near, Iraq's already tense politics have become even more divisive. The candidates' ban has sparked widespread claims of legal and constitutional illegitimacy, threats of election boycotts and a nationwide rise in vehement anti-Ba'athism. This political environment threatens the legitimacy of Iraq's second national elections since the fall of the Ba'athist regime in 2003. The following paper briefly details and analyzes the events that have unfolded since the publication of the original.

IRAQ'S ELECTORAL DEVELOPMENTS

Following the Accountability and Justice Commission's decision to ban over 500 candidates, the Independent High Electoral Commission (IHEC), the body charged with administering Iraq's elections, decided to uphold the Commission's recommendation on January 14, 2010. Though the Accountability and Justice Commission had made their recommendations known, the recommendation held no legal authority and, until the decision was officially made by IHEC, it was not binding on the candidates. The decision by IHEC was made amidst lobbying from some politicians and international organizations (see below) to disregard the recommendation altogether in the interest of preserving the progress made in Iraq's reconciliation process over the last several years.2

Iraqi politicians' reactions to IHEC's decision to uphold the ban on the candidates, which was announced publicly on January 14, 2010, were varied and often aggressive.³ In reaction to criticisms by the barred candidates, their supporters and mem-

bers of the international community, various officials from IHEC repeatedly cited the candidates' right to appeal the decision or present a new list of names to replace those that had been banned.⁴

In the days that followed, IHEC and the Accountability and Justice Commission were subject to a great deal of lobbying and criticism - as well as receiving statements of support - from politicians and public figures from across the political spectrum. Concurrently, certain members of the Government of Iraq, the international community, and Iraq's political parties attempted to resolve the mounting crisis. As the situation deteriorated, President Jalal Talabani expressed dissatisfaction with IHEC's decision, intervening on several occasions to attempt to broker a solution. 5 Vice President Tariq al-Hashemi, himself a Sunni and a member of the Iraqi List along with Mutlak, criticized the timing of the Accountability and Justice Commission's announcement, noting that the ruling was issued immediately before the election season. He stated that, given current laws and the illegitimacy of the current Commission, the

de-Ba'athification article in the Iraqi Constitution is "practically unenforceable." Iyad Allawi, the head of the Iraqi List and a political ally of Mutlak condemned the Commission's decision calling it, "a process of severe intimidation and threats." Vice President Adl Abd al-Mahdi, a member of ISCI, the Islamic Supreme Council of Iraq, a Shi'a political party closely tied to Iran, denied the idea that Sunnis were being targeted for political reasons.⁸ Conspicuous in their silence during the early development of the debate were Prime Minister Maliki and the head of the Accountability and Justice Commission, Ahmed Chalabi, who repeatedly claimed to be "unavailable" to comment on the decision. Throughout this time, spokespeople for the Justice and Accountability Commission continued to indicate periodically that more names would be added to the list of banned candidates. 10

During the week that followed IHEC's decision, neither the Commission nor IHEC released the official list of banned candidates." The entire process, from the system by which the Accountability and Justice Commission conducted its adjudications to the method by which it proposed recommendations to IHEC, was unclear and conducted almost entirely in secret. Neither IHEC nor the Accountability and Justice Commission directly or officially informed the banned candidates themselves but instead made many of their announcements in meetings with individual candidates or representatives from electoral lists contesting the election. 12 Although IHEC was the official body responsible for making the decisions regarding the candidates' status, the announcements usually came from the Accountability and Justice Commission. IHEC repeatedly promised the release of a complete, official list of banned candidates and repeatedly issued statements of postponement.¹³ To date, no list of banned candidates had been released.

Members of IHEC and the Accountability and Justice Commission repeatedly issued statements during the week of January 18, reassuring the public of the thoroughness and constitutionality of their actions, claiming their constitutional mandate and the strength of their evidence. ¹⁴ Mutlak and his allies continued their attacks on the commission's

legitimacy and the motives of the commissions' members. ¹⁵ Though initially silent on the subject, Prime Minister Maliki eventually came to publicly support IHEC's decision, calling for a universal application the Accountability and Justice Law, ¹⁶ and he denied outright that the Accountability and Justice Commission was conducting a Sunni purge in advance of the election. ¹⁷

The Council of Representatives created a special three member panel to investigate the standing of the Accountability and Justice Commission in response to many criticisms that the entity had no legal basis.18 Some noted that the Council of Representatives had never officially voted to confirm the Commission's members;19 others that the constitution's ban on the Ba'ath party was not intended for every member of the party, but rather the party's leadership;20 and others that the members of the Commission, including al-Lami and Chalabi are themselves candidates in the upcoming parliamentary elections and therefore cannot act as neutral agents.21 Further international engagements occurred as Vice President Adl Abd al-Mahdi visited U.S. Vice President Joe Biden in Washington, DC to discuss the election dispute among other issues.22

The creation of the parliamentary panel was followed by an emergency meeting of the Presidency Council on January 19, 2010, 23 and a subsequent announcement by President Jalal Talabani of a presidential commission to investigate the legality of the candidate ban. 24 President Talabani expressed his dissatisfaction with the decision and sent a letter to Chief Judge Medhat al-Mahmoud, the head of Iraq's Federal Supreme Court, to render a verdict on whether or not the decision was legitimate. 25

U.S. Vice President Joe Biden then arrived in Baghdad on January 22, 2010 to calm tensions regarding the candidate ban. ²⁶ He advocated a constitutional solution, reportedly proposing a provision to allow banned candidates to forswear allegiance to the Ba'ath Party and be allowed to run, postponing final judgment on the candidates' appeals until after the election was conducted. ²⁷ Following Biden's discussions with Prime Minister

Maliki, any such compromise was rejected publicly by al-Lami, who appealed to the Iraqi Constitution's requirement to ban the Ba'ath party, ²⁸ and again by Prime Minister Maliki who stated that the Accountability and Justice Law was implemented, "in accordance with constitutional processes." ²⁹ Maliki's statement following Vice President Biden's visit was one of his strongest to date and clearly sent the message that he did not support the Vice President's proposed compromise.

A meeting between the Presidency Council, the Prime Minister, and the Speaker of the Council of Representatives held on January 24, 2010 concluded with a joint decision to allow the Iraqi judicial system to determine the eligibility of the barred candidates, overriding the Presidency Council's investigation. 30 They further agreed that the proper venue for disputes over the Accountability and Justice Commission's decisions was the duly appointed Cassation Panel, a special sevenmember court of appeals. This court of appeals was created for the sake of hearing appellant cases as a result Justice and Accountability Commission rulings, as required by the Justice and Accountability Law of 2008, and is composed of judges selected and confirmed by the parliament following the initial dispute over the candidate ban.

Some of the appeals filed were reviewed by the Accountability and Justice Commission which reinstated fifty-nine candidates on January 25, 2010. The Commission cited bureaucratic errors and cases of missing documents that led to the names being included originally. Mutlak was not among the candidates reinstated.

On February 3, 2010, the Cassation Panel ruled to allow the banned candidates to run, but stipulated that they would not be eligible to take their seats until a post-election investigation into their ties with the Ba'ath party had been completed. 32 Though hailed as a victory by Mutlak and his supporters, 33 before the day had ended, a Government of Iraq spokesman and Ali al-Lami both condemned the decision by the Cassation Panel as "unconstitutional" on the basis that the decision exceeded the authority of the Cassation Panel which had been constituted for the express purpose

of adjudicating the cases of candidates barred by the Commission.³⁴

The legal situation surrounding the candidate ban was complicated further by the Cassation Panel's decision. Questions still lingered (as stated above) regarding the legality of the recommendations originally put forth by the Accountability and Justice Commission because neither its members nor its decisions had been approved by the parliament.³⁵ Additionally, there remained a further question as to the legal authorities of the Cassations Panel. The Accountability and Justice Commission was of the opinion that the Cassation Panel had the authority only to rule on the banning of individual candidates for election, providing rulings on whether or not individual candidates were innocent or guilty of ties to the Ba'ath Party,36 and that they had exceeded their authority by reversing an entire set of policies.37

Later that day, February 4, 2010, Prime Minister Maliki asked the speaker to convene parliament to a special session, planned for February 9, 2010 to discuss what his spokesman described as the illegal and unconstitutional decision of the Cassation Panel to reinstate the banned candidates.³⁸ An extraordinary session was required because parliament had already adjourned from its final session earlier in the week after passing the 2010 budget. Though this request for a special session was later canceled, in calling for it, Maliki clearly conveyed his displeasure at the Cassation Panel's ruling.³⁹

The Independent High Electoral Commission itself responded by postponing the beginning of the election's campaign season from the 7th to the 12th of February in an attempt to resolve the dispute through legal means. Although IHEC originally accepted and endorsed the Cassation Panel's decision to allow the banned candidates to stand, the electoral commission quickly came under intense political pressure not to accept the Cassation Panel's decision. ⁴⁰ In order to gain clear guidance from a fully legitimate authority, IHEC sent a letter to the Federal Supreme Court of Iraq demanding an opinion on whether or not the cassation panel's decision was "binding," raising the argument that the appeals panel only had the right to decide in

favor or against the individual cases before them, not the legality of the entire de-Ba'athification process.⁴¹

The Higher Judicial Council, Iraq's supreme judicial authority, indicated that it would review the case, looking into the appeals brought by the banned candidates, the legality of the original decision-making body (the Accountability and Justice Commission), and looking at the evidence provided by the appellants to disprove the charges brought against them.⁴² Like the Cassation Panel, the Higher Judicial Council recognized the lack of time to entertain the appeals as a central issue in the decision to postpone the candidate ban.⁴³

On February 6, 2010, the Higher Judicial Council came under a great deal of political pressure, including pressure from Prime Minister Maliki, to issue a decision on the nature of the Cassation Panel's decision in advance of the special session of parliament, in a meeting between the Prime Minister, several other high-level members of the Government of Iraq, and Chief Judge Medhat. 44 In the meeting, Chief Judge Medhat appears to have been encouraged to conduct a review of the appeals, rather than support the decision by the Cassation panel to put off the decision until after the election. 45

The Iraqi Higher Judicial Council determined on February 8, 2010, in advance of the delayed special session of parliament, that the Cassation Panel should return to the work of reviewing the appeals of the banned candidates on an individual basis.⁴⁶ One of the measures available to the Council of Representatives was the possibility that the parliament could withdraw confidence in the Cassation Panel created, following the ban, for the sake of reviewing appeals.⁴⁷ This threat undoubtedly factored into the decision made by the Cassation Panel, following a series of meetings, to complete its review of the appeals, a process it had originally cited as being too time-intensive to complete before the elections, by the start of the campaign season only days later on February 12, 2010.48 This decision reportedly was reached at the direct behest of Prime Minister Maliki, 49 and announced to the gathering parliamentarians by officials in his office.50

Over the next several days, the seven-member Cassation Panel undertook the review of hundreds of outstanding appeals, releasing some of them in the course of their review.⁵¹ In the process of reviewing the appeals, an announcement was made that, on a technicality, the vast majority of appeals were rejected for having been submitted to the wrong body.⁵² This decision sparked immediate outrage as did the surprising release by IHEC of the final list of candidates approved for the elections, two days before the declared deadline for the Cassation Panel's final rulings on the outstanding appeals.⁵³ By the time the entire appeals process had concluded, of the more than 150 appeals submitted, the total number of banned candidates permitted to run in the elections numbered only twenty-six.54

The Cassation Panel completed its work reviewing appeals on February II, 2010 the night before the beginning of the campaign season. In a maneuver whose secrecy has come to characterize the entire process of the candidate ban, it was not the Cassation Panel that made the announcement, but Ali al-Lami, who, following a private consultation with the Panel, held a small press conference to announce the verdicts including the final, definitive ban of Saleh Mutlak from participating in the election.⁵⁵ IHEC followed this verdict with what appeared to be the final refinement of an outstanding question in the candidate ban, whether or not an entire list was to be disqualified from running if the head of the list was barred. IHEC, the next day, announced officially that the ban applied to the individual candidates only, not the entire lists they led.⁵⁶

FOREIGN AND DIPLOMATIC PRESSURE

From the time of the Justice and Accountability Commission's initial announcement, the international community, individual nations, and nongovernmental organizations have attempted to use their influence on Iraqi officials to resolve the crisis.

The most important international organization to weigh-in during the electoral disputes was the United Nations (UN). The UN envoy to Iraq, Ad

Melkert, initially showed a great deal of willingness to express his opinions about the electoral process, coming out strongly against the decisions of IHEC and the Accountabiltiy and Justice Commission. He first advocated a delay in rendering final judgment regarding the banned candidates,⁵⁷ citing the fact that the executive director of the recommending body, Ali al-Lami, is himself a candidate in the upcoming election and therefore was not a neutral party.⁵⁸ In the following weeks, Melkert participated in high-level discussions regarding the electoral ban with various members of the Iraqi government, including Vice President Abd-al-Mahdi, attempting to assist in brokering a fair compromise. Eventually, however, Melkert took a less aggressive role in attempting to arbitrate disputes stating, on January 31, 2010, that the Accountability and Justice Commission's actions were an "internal Iraqi issue," and that the body was, "implementing one of the Constitution's articles."59 Melkert remained active in the dispute, holding meetings with Iraqi officials to discuss the election, 60 but he reiterated the UN's intention to remain uninvolved in recommending specific solutions in a statement on February 3, 2010.61 The reversal in his posture was likely due to the Iraqi backlash against perceived foreign interference described at length below.

The Arab League also issued public statements on the candidate ban. The Arab League Deputy Secretary-General, Ahmad Bin-Hilli, who visited Baghdad shortly after the initial decision by the Accountability and Justice Commission in order to assist in negotiating a resolution, issued a statement calling for an Iraqi and international resolution to the electoral crisis. ⁶² Human Rights Watch criticized multiple aspects of the exclusion of allegedly Ba'athist candidates in a January 26, 2010 press release, citing the secrecy of the proceedings, the questionable legitimacy of the Accountability and Justice Commission, and the damage that the developments have had on the credibility of Iraq's elections. ⁶³

U.S. Vice President Joe Biden conducted a series of meetings and discussions with Iraq's leaders in an attempt to resolve the election dispute. Biden's efforts to engage Iraqi leaders on the dispute began in earnest with a meeting in Washington,

DC on January 14, 2010 with Iraq's Vice President Adl Abd-al-Mahdi,64 which was scheduled before the candidates' ban. Vice President Biden subsequently spoke with President Jalal Talabani, 65 Speaker of the Council of Representatives, Iyad al-Samarra'I,66 Vice President Tariq al-Hashimi,67 and Prime Minister Nouri al-Maliki. 68 Vice President Biden's efforts culminated in a visit to Iraq on January 22, 2010, in which he held a meeting to discuss the election ban with Prime Minister Maliki. 69 Initially Vice President Biden was reported to have indicated that he did "not recognize the decisions made by the Commission."70 Following his visit on January 22, 2010, he affirmed that the United States would not interfere in Iraq's electoral process,71 It was widely reported that Biden had suggested a compromise position in which the banned candidates would be allowed to run in the election, if they would denounce the Ba'ath Party and that the final ruling on their candidacy would occur after the polls.72

IRAQI REACTIONS TO FOREIGN AND DIPLOMATIC PRESSURE

Iraqi politicians largely did not respond well to the perceived interference of the international community. Shortly after Ad Melkert sent his request to IHEC to postpone a decision on the banned candidates, the Accountability and Justice Commission said, in an official statement, that it "disapproves the request made by UN special envoy Ad Melkert," demanding that he "stop interfering in the affairs of the institutions of Iraq."73 In response to Vice President Biden's discussions with Iraq's leaders, Ali al-Dabbagh, the spokesman for the Government of Iraq said, "I do not believe that interference by the U.S. side or the United Nations in the work of the committee will get anywhere."74 Again, American interference was alleged following the decision by the Cassation Panel on February 3, 2010 to delay judgment on the banned candidates. Ali al-Lami said that the decision was the, "result of U.S. Embassy interference in the Iraqi affairs," going on to describe the actions of Ambassador Hill as being an effort to, "peddle a proposal presented by U.S. Vice President Joe Biden."75 Al-Lami had made earlier statements alleging that

the United States had also been directly interfering with the Accountability and Justice Commission.⁷⁶ Despite these condemnations of international influence, Faraj al-Haydari, the chairman of IHEC said in an interview that there was no undue pressure being applied to the Electoral Commission, and that "enquiries sent by the international community, the EU, and the Arab League do not constitute interference in Iraq's affairs."77 In other cases, the international community's statements provided a convenient opportunity for certain politicians to bolster their nationalist credentials by appealing to Iraq's sovereignty. The Iraqi National Alliance, for example, issued a statement that rejected interference with Iraq's institutions or sovereignty.78

There were, however, politicians who openly advocated U.S. and UN involvement, notably Salih Mutlak. Shortly after the Accountability and Justice Commission made it known that Mutlak was among the banned candidates, he threatened to enlist the support of the United Nations to have the ban repealed and stated that the US had to use its influence to overturn the ban. 79 As the process of appeals continued, Mutlak gave an interview in which he reiterated his willingness to appeal to the United Nations and cited the moral responsibility of the United States to intervene as it was American actions that brought the present regime to power.80 Mutlak's desire to see U.S. and UN involvement has been echoed by his political allies, most notably the head of the Iraqi List, Iyad Allawi, who declared the candidate ban to be a problem requiring international intervention.81

IRAQ'S ELECTIONS AND IRANIAN INFLUENCE

Mutlak and his supporters have cited the influence of Iran from the very beginning of the electoral dispute. Mutlak repeatedly characterized his removal from participation in the election as having less to do with perceived Ba'ath Party connections, than the influence of Iran in Iraqi politics and his opposition to Iran's involvement in Iraq's affairs. 82 Zafir al-Ani of the Iraqi Accord Front, a Sunni political coalition sometimes accused of sympathy

with Saddam's regime, had also been banned from the elections for his alleged Ba'ath Party ties. 83 In an interview he claimed that his banning was the direct result of his criticisms of Iran. 84

Statements of Iranian influence have not been issued solely by members of the Iraqi List and other banned candidates. Struan Stevenson, the head of the European Union's delegation to Iraq, cited Mutlak's opposition to Iranian involvement in Iraq as the real reason behind Mutlak being banned from the election. §5 In an interview discussing the candidate ban, Iraqi Kurdistan's president Massoud Barzani declared that Iran had wide interests in Iraq and that it has preferences as to which candidates win elections. §6 U.S. Ambassador to Iraq, Christopher Hill, said in response to the decisions of the Accountability and Justice Commission, that Iran's influence in Iraq is a concern for the United States. §7

Amid growing criticism of Iranian influence, Ali al-Lami directly denied the influence of foreign powers in the decisions of the Justice and Accountability Commission. ⁸⁸ Such statements were repeated throughout the month's electoral dispute.

Credence can be given to these charges of Iranian involvement because of the known relationships between the Iranian government and the leaders of the Justice and Accountability Commission. Ali al-Lami, the executive director of the Commission is an ally of Ahmed Chalabi, the chairman of the Commission. Chalabi is a known Iranian partisan, ⁸⁹ and Ali al-Lami was imprisoned by U.S. forces for a year on account of his connections to Iranian-backed militants. ⁹⁰ For more background on these two critical personalities, see the original backgrounder, "Sunni Politicians Barred from Candidacy."

Throughout the election debate, Iran has conducted consistent diplomatic engagements with Iraq. In the month preceding the election dispute, Iran's Foreign Minister Manouchehr Mottaki held extensive discussions with Iraq's Foreign Minister Hoshiyar Zebari on diplomatic relations and border dispute issues. ⁹¹ The two foreign ministers met again in Manama, Bahrain during the December security talks. ⁹² Mottaki followed the border

dispute talks in December with a visit to Baghdad to continue the discussions. The date of his visit was January 7, 2010, 93 the same day that the Justice and Accountability Commission announced its recommendation on barring candidates from the election.

Mutlak himself has commented on the confluence of these events. In a press conference following the Justice and Accountability Commission's announcement, Mutlak said, "We received the decision of the Accountability and Justice Commission to exclude us on the same day that Mottaki was in Baghdad. I do not believe that this is a matter of coincidence."94 Mutlak went further, citing Iranian influence through the Justice and Accountability Commission's chairman, Ahmad Chalabi, "Chalabi's men went to the Casastion Commission. The information I received says that they stood right next to the cassation judges."95 Iran's continuous diplomatic engagement did not end with the ban on the candidates. Vice President Adl Abd al-Mahdi met with Mottaki in Tehran in the middle of the election disputes, 96 which were followed by other high level engagements in late January and early February.

Though some degree of Iranian involvement in the election controversy appears very likely, regardless of the actual amount of involvement, opposition to Iranian interference and perceived interference are politically powerful concepts that continue to drive many political actors within Iraq. Following the final decision on the candidate ban, an organization of Iraqi tribe decided to boycott the elections precisely because of the degree of Iranian influence exerted in the process.⁹⁷

RISING TIDE OF ANTI-BA'ATHISM ACROSS IRAQ

As Iraq's Shi'a politicians have sought to use anti-Ba'athist rhetoric to garner political support in the predominantly Shi'a areas of central and southern Iraq, a nation-wide flare up of anti-Ba'athist sentiment has been stirred up, resulting in regional purges of suspected Ba'ath party members.

Such anti-Ba'athist sentiments are easily exploit-

able by Shi'a politicians because they appeal to a real fear held by many of Iraq's citizens. Clear indications of the looming specter of Ba'ath party resurgence in the minds of the Shi'a came when, following the establishment of fairly routine security measures in Baghdad, rumors began to circulate throughout the city about an unsuccessful Sunni-led coup attempt, and that a high-profile Sunni politician had been assassinated. ⁹⁸ The fear caused by these unfounded rumors was so great that the Government of Iraq saw fit to directly address them in television interviews while the security operations were still being conducted. ⁹⁹

As the election ban has taken center stage in Iraq's politics, the subject of the Ba'ath party and its historical crimes have come to the fore. The memories of the Ba'ath party, particularly among the Shi'a in southern Iraq, are still strong following the Ba'ath party's violent suppression of the Shi'a insurrection of 1991. The inflammatory statements by Iraq's Shi'a politicians regarding the necessity of purging Ba'ath party supporters from government have begun a widespread anti-Ba'athist campaign across central and southern Iraq, with individual provinces enacting their own versions of the Accountability and Justice Law in order to drive out suspected Ba'ath loyalists from their own regions.

The government of Najaf province, the site of one of the major rebellions in 1991, issued a statement demanding the departure of all residents loyal to Saddam Hussein on January 18, 2010. 100 The statement continued to say that the Provincial Council would next "purge local government" of Ba'ath party members. 101 Individuals suspected of Ba'athist ties have been removed from their positions by provincial and local authorities across central and southern Iraq. Members of the security forces were removed from their posts in Dhi Qar and Babil, and the Karbala provincial government has created a list of names of employees in the provincial government to, "eliminate Ba'athists from the departments of the province."102 There was also a decision to apply the Accountability and Justice Law by the city council of Diwaniya, the capital of Qadisiyah province, with the intention of removing suspected Saddam loyalists from administrative positions, though anyone has yet to be dismissed. 103 Such applications of the Justice and Accountability Law have been accompanied and caused by rising sectarian tension. There have also public demonstrations showing support for such measures, demanding the removal of all Ba'ath party sympathizers from the Iraqi government. 104 As this maneuver of enacting local Accountability and Justice Laws gains momentum, Sunni Iraqis will have more reason to believe that they are not welcome participants in the political process or the government of the country. Such attempts to implement de-Ba'athification at the provincial level have been described with some justification as being a thin disguise for blatant sectarianism on the part of the Shi'a-dominated local governments. As the trend continues, sectarian tensions are bound to increase. The first indications of which may well have been seen in the attacks that were staged on several political party headquarters in Baghdad on January 14, 2010. Among the facilities attacked was that occupied by the National Dialogue Front, the party headed by Salih Mutlak. 105

THREATS OF ANOTHER ELECTION BOYCOTT

The threat of an election boycott, a tactic consistently threatened by Mutlak and his supporters from the first announcement of the candidate ban, has added to the sectarian tension building in Iraq. On multiple occasions, Mutlak and his allies, including Iyad Allawi, have indicated that he will urge his supporters to boycott the elections if the ban is not overturned. 106 Mutlak himself was later quoted as saying that he was not in favor of a boycott and that his supporters have, "everything to lose." 107 Iraqis, both Sunni and Shi'a, cite the Sunni election boycott in 2005 as a major source of the civil unrest that beset Iraq in following years. Following the boycott, the Sunni minority found itself underrepresented in government, a situation that fueled the civil insurrection and widespread Sunni insurgency that followed. The fears of a Sunni boycott were heightened after the announcement of the Cassation Panel's final decision when the Iraqi List, "suspended campaigning," as a result of the ban. 108 The suspension of the campaign was accompanied by renewed warnings of sectarian strife

by the list's leader, Iyad Allawi. 109

Any mentions of an election boycott in contemporary Iraq immediately brings to mind memories of the recent civil turmoil of the country. Indeed, Mutlak and his allies did not always leave the implication unstated, at times openly claiming that civil unrest was a likely outcome of the candidate ban, playing on the fears of their fellow countrymen of another descent into insurgency. 110 Despite these threats, there seems to be less enthusiasm for a boycott for this election among the supporters of the Iraqi List than there may have been in the past." This unwillingness to boycott is supported by Allawi's statement that he plans to run in the elections, though he did say that he could "revise" his position. 112 Even if these threats of boycott and the implications of potential resultant civil unrest are merely political saber-rattling, they nevertheless have added greatly to the sectarian tension that has developed in Iraq in the last month.

IRAQ GOING FORWARD

For the time being, a definitive decision regarding the banned candidates has been reached. This does not bode well for the success or perceived legitimacy of the upcoming elections. Throughout the Sunni political sphere, threats of boycotts have been continuously employed and statements to the effect of a call to boycott the election are still being issued on a daily basis. It is important to note that, whether or not aggrieved parties employ such a boycott, the interests of the Iranian regime will be furthered. In the event of a boycott, the overwhelmingly Shi'a government will be weak as a result of its illegitimacy and in the absence of one, Iran will have already shaped the political landscape in favor of its preferred candidates, shifting the electoral sphere against Sunnis and secular Shi'a such as Iyad Allawi, having engendered deep sectarian hostility in the process.

Since the decision was reached by the Cassation Panel, threats by Sunni militants of increased violence during and ahead of the election have been on the rise. ¹¹³ The possibility of a direct replay of the 2005 boycott is unlikely given the number of

Sunni candidates from an array of parties who had declared their willingness to contest these elections throughout the debate on the banned candidates. Nevertheless, there is a real possibility of increased civil unrest in the short term and a great likelihood of a growing dissatisfaction among the Sunnis of Iraq in their government's legitimacy.

Further, although the banning of high-profile Sunni candidates from the election is symbolic in the minds of many Iraqi Sunnis of their disenfranchisement within contemporary Iraq and will have important consequences for the March 7, 2010 parliamentary election, an even more threatening trend has emerged in the form of local governments enacting their own anti-Ba'athist purges in an attempt to remove political opposition or consolidate political power by removing low-level government officials from their posts across the country. The developing extremism in rooting out potential Ba'ath party sympathizers at the provincial and local level shows an unsettling return to the sectarianism from which Iraq has only recently emerged.

ENDNOTES

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