

THE 2009 KURDISH ELECTIONS

The Kurdistan Regional Government's (KRG) elections are scheduled for July 25, 2009. Voters in the KRG are poised to choose the region's President and the 111 members of the KRG's unicameral legislature,¹ the Kurdistan National Assembly (KNA).² The run up to the KRG's election has seen a great deal of political maneuvering by both of Kurdistan's established political parties in the face of the ascendancy of political newcomers who threaten the previously uncontested dominance of the KRG's established parties. This brief paper will describe the structure of the KRG's political bodies and offices, the major parties of Kurdistan, and the mechanics of the upcoming election.

HISTORY OF THE KURDISTAN REGIONAL GOVERNMENT (KRG)

The Kurdistan Regional Government was established in 1992 following the collapse of Saddam Hussein's government within the Kurdish region. Operation Provide Comfort, coalition-established no-fly and security zones, and repeated Kurdish rebellions led Saddam Hussein to withdraw from Kurdistan and blockade the borders along Kurdish-controlled territories. The effective collapse of the central government's authority within Kurdistan provided the opportunity for Kurdistan's two main political parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), to agree to hold an election to select members for a legislature and a president for Kurdistan. The election, held in May of 1992, seated Iraqi Kurdistan's first elected government, resulting in a virtual tie between the PUK and the KDP.³ Although Massoud Barzani, the leader of the KDP, won a marginal victory over his opponent, Jalal Talibani, leader of the PUK, in the race for the presidency, neither could assume the office as neither polled the required majority of votes.⁴

Within three months of the election, the Kurdis-

tan National Assembly convened and established itself as the KRG's legislature. It also established an election law that was to govern the region's periodic elections.⁵ Shortly thereafter, a council of ministers was created. The two major parties agreed to a power-sharing arrangement where the legislature was split evenly between the KDP and PUK and each ministerial position that was held by a member of one party would have a deputy minister representing the other.⁶ With neither party initially willing to concede power to the other, this arrangement lasted for over a year with power split so effectively that there was a substantial deadlock within the KRG and no clear executive authority empowered as ultimate decision-maker.

The long-established tensions between the two parties continued to rise during the 1990s. By 1994, they developed to the brink of civil war, with each party seeking control of Kurdish territory through their politically loyal militias and launching reciprocal attacks to gain control of Kurdistan's larger cities. Each party appealed to powerful neighbors – the PUK to Iran, and the KDP to Saddam Hussein – for assistance in putting down the military wing of the other.⁷ Effectively, a partition developed and power devolved from the



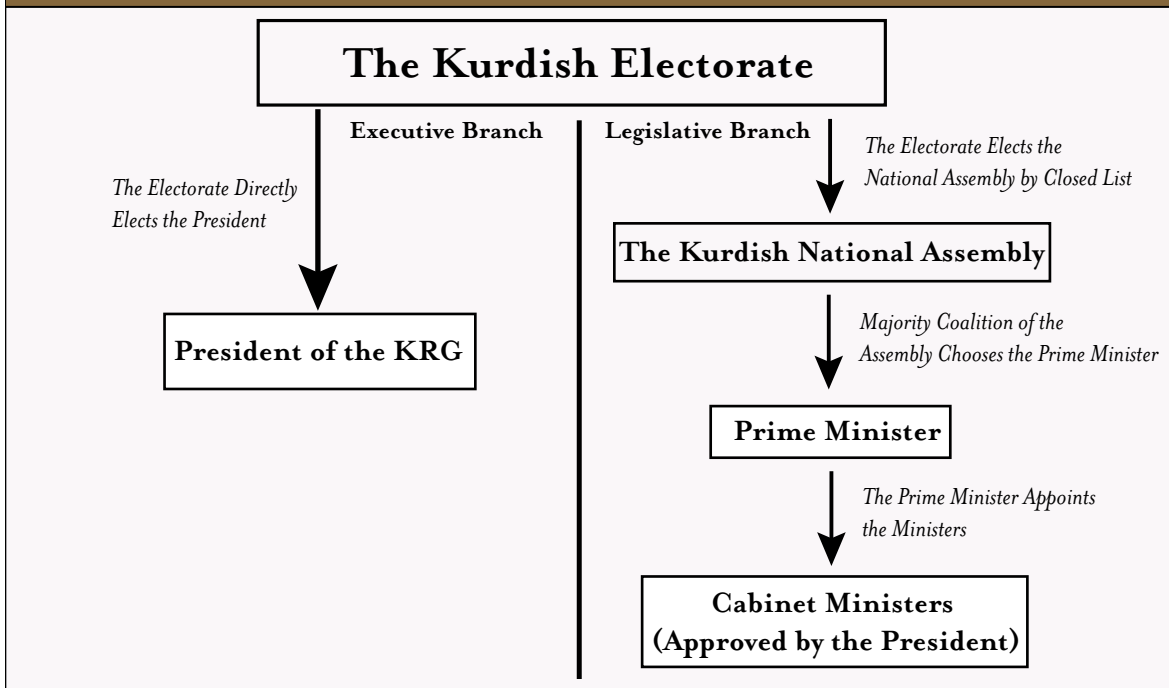
established central Kurdish government in Irbil to regional power-bases. The KDP came to control the north of Iraqi Kurdistan, with Dohuk and the once-shared capital of Irbil, while the PUK controlled the south from its headquarters in Sulaymaniyah.⁸ The region was split and, though there was a seated government, executive authority was exercised for the most part through the unofficial mechanisms of the two parties' political bureaus in their respective regions.

Though the initial Election Law provided for elections every four years, the KRG was not to hold another election until 2005. Greater reconciliatory efforts in the late 1990s and early 2000s, a peace accord signed in Washington, DC in 1998, and the seating of a joint interim parliament in Irbil in 2002 in advance of the invasion, paved the way for greater cooperation between the PUK and KDP.⁹ The final step toward reconciliation came in the form of the Unification Agreement, signed on January 21, 2006. The agreement established the terms by which the KDP and the PUK would share power and governmental responsibility within the KRG, eliminating duplicated posts and allocating ministries between the two parties.¹⁰ Though the

years leading up to unification saw a tense relationship that often turned violent, the relationship between the KDP and PUK eventually came to a degree of reconciliation.

Kurdistan held its second elections in 2005, scheduled on the same day as the elections for Iraq.¹¹ Again, there were power-sharing agreements between the PUK and KDP. Both the KDP and PUK ran on a single list, the seats planned to be apportioned between the two parties following the election. After negotiations, Massoud Barzani was to become the President of Kurdistan while Jalal Talibani was to become President of Iraq. The two parties intended to share the office of Prime Minister, although the KDP has held the position since the 2005 elections.¹² The devolved power centers north and south were still the preserves of the two parties and their political bureaus still exercised unofficial influence throughout the region, but they were far more cooperative in the new government than they had been in the past and eventually, the system of shadow ministers for each political position came to an end with the adoption in January 2006 of the aforementioned Kurdistan Regional Government Unification Agreement.¹³

The Kurdish Election Process



STRUCTURE OF THE KURDISTAN REGIONAL GOVERNMENT

The Kurdistan Regional Government is composed of a legislature, the office of President, and a judiciary. These institutions have undergone significant changes in the years since their inception in 1992. The following description portrays the offices and institutions as they are now.

The presidency is the region's highest executive office, established in 2005 by the Kurdish National Assembly's Law of the Presidency of the Kurdistan Region. As the head of the executive, the President serves as the commander-in-chief of Kurdistan's Peshmerga forces and the head of the cabinet. Unlike the elections in 2005 when the president was chosen by the Kurdish National Assembly, the presidency is now a directly elected position, serving a maximum of two four-year terms. The current President, Masoud Barzani, is the leader of the KDP.

The Prime Minister serves as the head of the legislature and is the President of the Council of Ministers. He is chosen by the majority party or coalition in the Kurdish National Assembly. He primarily serves as the head of the legislature but, as the President of the Council of Ministers, he shares executive responsibilities with the President. The current Prime Minister, Nechirvan Barzani, is a member of the KDP and the nephew of the President of the KRG. Though the Prime Minister

is the head of the legislative branch, the running of the Kurdistan National Assembly is the responsibility of the Speaker, a position elected by the Assembly. The current speaker, Adnan Mufti, is a member of the PUK.

The cabinet, whose executive authorities are delegated to them by the President, are drawn from among the members of the Kurdish National Assembly and are chosen by the majority party or coalition. The Prime Minister nominates the members of the cabinet, whose selection is ratified by the president. The ministers have fairly broad powers to act within the scope of their ministerial portfolios.

The legislature, the Kurdish National Assembly, is a unicameral legislature composed of 111 representatives elected by closed party or coalition list rather than by individual candidate. Of the 111 representatives, thirty percent of which are guaranteed to female representatives, one hundred seats are open to general lists and eleven seats are reserved for particular ethnicities: five seats for Chaldeans and Assyrians, five seats for Turkmen, and one seat for Armenians.¹⁴ All legislation passed by the Kurdish National Assembly must be ratified by the President for it to be enacted into law. The current makeup of the one hundred non-reserved seats is an exact split of the fifty seats for the PUK and the fifty seats for the KDP, the result of the power-sharing arrangements brokered following the 2005 elections.

Important Individuals in the KRG

Masoud Barzani - KDP Party Leader - President of the KRG

Nechirvan Barzani - KDP - Prime Minister of the KRG

Imad Ahmad Sayfour - PUK - Deputy Prime Minister Since April 2009

Omer Fattah Hussain - PUK - Deputy Prime Minister, Until His February 2009, resignation

Jalal Talibani - PUK Party Leader - President of Iraq

Barham Saleh - PUK - Deputy Prime Minister of Iraq

Adnan Mufti - PUK - Speaker of the Kurdistan National Assembly

THE MAJOR POLITICAL PARTIES OF KURDISTAN

Kurdish politics have been dominated for decades by the two major political parties, the Patriotic Union of Kurdistan and the Kurdistan Democratic Party. The story of Kurdistan's independence is inextricably linked to the struggle between these two parties, the parties' leaders, and the gradual process of reconciliation that has followed the civil war of the 1990's. Both parties are deeply entrenched in the regions of Kurdistan in which they dominate and much of the parties' politics are based on familial and tribal relationships as well as political patronage within their respective regions.

The Kurdistan Democratic Party has its roots in Kurdish political movements that pre-date the failed Kurdish revolt in 1942 and 1943. The movement's leader, Mustafa Barzani, the father of the KRG's current President, Masoud Barzani, had fought for Kurdish independence since the 1930s and had led a series of failed rebellions, both in Iraq and Iran. Barzani led the growth of the Kurdish independence movement, including the establishment of the short-lived Kurdish Mahabad Republic in 1946. (It was in 1946 in Mahabad that the first Kurdish Democratic Party congress was convened.) In 1951, Mustafa Barzani, then in exile, was elected President of the KDP. Despite his drastically changing fortunes, multiple revolts by the Kurds, and reprisals by Baghdad, he remained the party's leader, until his death in exile in the United States in 1979. His son, Masoud Barzani, assumed the presidency that same year.¹⁵

The KDP is composed of several structural elements. The most powerful office, that of the president of the party, along with the Central Committee, are elected by its members and together are responsible for designating the Party's Political Bureau. The Political Bureau, in turn, administers the party's governates.¹⁶ With their traditional strongholds of Dohuk and Irbil, the KDP is most powerful in the north of Kurdistan, where it had for many years administrated those governates as politically separate entities, particularly during the years of virtual partition.

The Patriotic Union of Kurdistan (PUK) was

founded in the summer of 1975 by former members of the KDP in the aftermath of the Kurdish rebellions of the 1970s. The party sought to create an alternative political system to the one long-established by the KDP.¹⁷ Among the founders of the PUK were the long-time Kurdish leader and current President of Iraq, Jalal Talabani, who was elected to the party's highest office, that of Secretary-General upon the party's creation. Another founder and long-time political leader, Nawshirwan Mustafa, was elected at the same time to the position of Deputy Secretary-General, a post in which he served continuously until his resignation in December 2006.¹⁸

With a structure similar to that of the KDP, the PUK is run by a Leadership Council elected by its membership. The Council is responsible for the election of Secretary-General, the highest office in the Party as well as the Political Bureau which has responsibility for managing the party's day-to-day affairs.¹⁹ The PUK was powerful in the southern region of Kurdistan and its traditional stronghold of Sulaymaniyah was governed by the PUK's party apparatus for most of the 1990s and early 2000s. The party still exercises a great deal of influence in that governate and in Kurdish-occupied disputed territory to the south and east.²⁰

THE SPLIT IN THE PUK

Following the invasion of Iraq in 2003, Nawshirwan Mustafa, while still serving as Deputy Secretary-General of the PUK, took on a more active role in politics. He worked as a negotiator representing Kurdish issues at the highest levels of Iraqi policy-making. As Kurdistan gained an ever-increasing degree of independence, particularly following the elections of 2005, dissention grew among the ranks of the PUK's membership, and a self-identified "reform wing" developed from among the PUK's Leadership Council.

The reform wing claimed to seek reform both in the Kurdistan Regional Government and the internal political operations of the PUK. The reform wing's criticisms centered around the arrogation of the PUK's decision-making power to the highest echelons of the party, the self-interested

Kurdistan's Main Election Lists	
Kurdistani List	<p style="text-align: center;">Leadership</p> <p>The Kurdistani List is headed by Barham Salih and its two constituent parties, the PUK and KDP, are led by Jalal Talabani and Masoud Barzani respectively.</p>
Change List	<p style="text-align: center;">Leadership</p> <p>The Change List is led by Nawshirwan Mustafa, former Deputy Secteray General of the PUK.</p>

decisions of the PUK leadership made possible by the close link between the party and the government of Kurdistan, the lack of transparency within both the PUK and the KRG, and the ever-present charges of corruption among both party and KRG officials. Led by Nawshirwan Mustafa, the reform wing's descent became increasingly vocal, public, and vicious.

The reform wing's agitation and dissent came sharply into focus when, following the 2006 PUK internal elections, many of Nawshirwan Mustafa's candidates for leadership positions were not elected. On December 6, 2006, Mustafa tendered his resignation from both his position as Deputy Secretary-General and from membership in the Patriotic Union of Kurdistan.²¹

Following Mustafa's departure from the PUK, he founded the Wisha Company in the spring of the following year, in a maneuver he had indicated he would undertake well in advance of his resignation. He cited a desire to establish a separate "political platform" in the form of newspapers, websites, and radio and television stations separate from the PUK.²² The Wisha Company would come to serve as the political platform for the PUK's reform wing and of Nawshirwan Mustafa personally.²³

After Mustafa's resignation, the reform wing that remained within the PUK came under heavy attack over the next two years from the PUK's Leadership Council. Members of the reform wing were dismissed from their positions,²⁴ and they in turn

staged retaliatory resignations,²⁵ and boycotted Leadership Council meetings.²⁶ As the situation deteriorated, the PUK began losing the confidence of its membership, as members of the security forces, members of the leadership, and rank-and-file members of the party resigned.²⁷ The growing instability led to several attempts at reconciliation between the PUK and the reform wing, none of which, in the end, were successful.²⁸

In May of 2009, the Leadership Committee's reform wing members created their own Reform Wing Committee within the PUK, declaring their blessing on all new PUK policy was mandatory.²⁹ As the elections drew closer, the PUK's reform wing were emboldened by their successes in gaining concessions from the PUK, including a plan submitted by Talibani to ensure greater separation between political parties and the KRG,³⁰ and by the gathering public support for their criticisms of the PUK leadership – criticism delivered, in part, through Nawshirwan Mustafa's Wisha Company. Members still loyal to Talabani continued their attempts to marginalize the reform wing, with severe but sporadic flare-ups amplified by the reporting of Kurdistan's active, diverse, and politically galvanized media.

THE CHANGE LIST

Nawshirwan Mustafa, true to the pledge at his resignation, established an alternate political platform, the Wisha Company, whose media outlets he

employed to criticize the Party and the KRG during the years of tension between the PUK's leadership and the reform wing. As in 2005 and 2006, his primary criticisms of the PUK regarded the lack of political transparency, concentration of power, and corrupt office-holders; however, his criticisms gradually changed tenor with the approach of the 2009 election, as he focused increasingly on the failures of the KRG's government rather than the failures of the PUK specifically.

The popular movement in support of the reform wing's criticism continued to gain momentum and its supporters called for independent participation in the election. On April 25, 2009, Nawshirwan Mustafa announced his separate and independent election list would compete in the upcoming KRG elections.³¹ Named "Goran," meaning "change" or "reform," the list was to compete on equal footing with the other lists in the election. At the time of the announcement, which was made on Mustafa's television network, he predicted a "tough contest."³²

Within two weeks, on May 7, 2009, the PUK and KDP joined forces to run on a single, joint list named the "Kurdistani List." Though the PUK and KDP had run on joint lists in the past, the creation of the Kurdistani List was seen by many Kurds as a maneuver in response to the creation of the Change List and a clear indication that the two dominant parties were attempting to maintain their duopoly within the KRG.³³ The Kurdistani List was headed by Barham Salih, who is currently the Deputy Prime Minister of Iraq, a member of the PUK, and the man expected to be the next Prime Minister of the KRG.

Following the establishment of the Kurdistani List, the political maneuvering centered upon the inevitable contest between the two most powerful lists: the Kurdistani List and the Change List. Though other lists and parties are running in this election, none of these minor Kurdish parties have gained the following that the Change List has demonstrated. The run-up to the election has been fraught with tension, allegations within the press of malfeasance on both sides, multiple lawsuits brought against each party by the other,

personal attacks on the leaders of both parties, and reviews by the Independent High Electoral Commission which, in certain cases, have ended with fines levied for misconduct.³⁴ Although there have been isolated incidents of violence, and one of Barham Salih's body guards was said to have been injured by Change List supporters in a near-riot at a speech of President Barzani's on July 19, 2009,³⁵ alleged electoral law violations have mostly taken the form of intimidation and misuse of government offices.³⁶

THE CURRENT ELECTION

The KRG election has been scheduled for 2009, four years after the previous vote. The election was initially announced on February 2, 2009 and was planned for May 19, 2009.³⁷ Yet, they were delayed until July 25, 2009,³⁸ as officials cited the need for more preparation time. The mechanics of this election will largely be the same as that held in 2005. The major difference comes in the form of the direct election of the President by the voters rather than by the Kurdish National Assembly.

The campaign season was officially set for the month leading up to the election and the parties have been very politically active.³⁹ Intense campaigning by both the Kurdistani List and the Change List has been conducted throughout the whole of the KRG, even in cities that have traditionally been the preserve of the opposition. To date there have been more than 150 complaints of alleged violations of the election laws lodged with IHEC, the Independent High Electoral Commission, the body overseeing this election. In addition to IHEC observers, there will be additional international observers present at the polling stations on election day and during the preparations for the vote and counting after the vote.⁴⁰

One of the most inflammatory aspects of this election has been the proposal to include the referendum on the recently-proposed KRG constitution. On June 24, 2009, the Kurdistan National Assembly approved the proposed Kurdistan constitution by a near unanimous vote.⁴¹ The Constitution of Iraq requires a constitution for Kurdistan to be

ratified by referendum and, accordingly, the KRG scheduled the referendum to be held concurrently with the regional election.

The reception in Baghdad to the approved constitution was overwhelmingly negative. Members of the Council of Representatives expressed concerns that it was incompatible with the Iraqi Constitution, that it gave too much power to the Kurdistan Regional Government and, most importantly, that it allowed the KRG to lay claim to the disputed region of Kirkuk,⁴² an issue of deep political contention within Iraq.⁴³ On July 2, 2009, IHEC announced that the constitution's ratification would not be included on the ballot, citing inadequate preparation time to include it in the election.⁴⁴ Most of the Kurdish National Assembly believed this to be motivated by political not logistical considerations. Following a lengthy debate and a great deal of political posturing, the KRG agreed to delay the referendum.⁴⁵

OUTCOME OF THE ELECTION

There is little disagreement regarding the likely winner of the presidency. Massoud Barzani will very likely be elected to serve a second term as President of the KRG. None of the four rival candidates command nearly as much respect across Kurdistan nor as many votes from their parties' political machines.

Though most assume that the historical, tribal and regional ties among the electorate to the PUK and KDP will likely yield the largest number of votes to the Kurdistan List, there are many who believe that the election will be contentious. Polls indicate that half the population of Kurdistan believes that the Change List will present a serious challenge to the Kurdistan List.⁴⁶ Among younger voters, there is a virtual tie between the Kurdistan List and the Change List.⁴⁷

Should the Kurdistan List take the majority of seats in the Kurdistan National Assembly, as most analysts believe likely, Barham Salih is predicted to be the next Prime Minister of Kurdistan. His elevation will continue the power-sharing arrangements already agreed upon by the two constituent

parties of the Kurdistan List that he heads, with the list allotting cabinet ministers along the same principles the PUK and KDP followed in creating the last cabinet.

Because polling data for Kurdistan is so rare (Kurdistan does not have an up-to-date census, let alone developed polling capabilities) the best predictions for the election's outcome are conservative. The Change List may well send a large number of their candidates to the legislature. However, even if the Change List shows mediocre returns, the fact that they posed a credible challenge to the two entrenched parties will insure that their influence will be felt beyond their numbers. Already, candidates from the Kurdistan List have changed their policy positions and rhetoric to address concerns raised in the campaigning of the Change List. From a more mechanical standpoint, any number of seats taken from the Kurdistan List will threaten the delicate balance of power within the Kurdistan National Assembly that had been established so neatly as a fifty-fifty split following the 2005 elections.

The advent of the Change List represents a fundamental shift in the politics of Kurdistan. Two rival parties, long belligerents in the region's tumultuous history, have been forced into ever-greater cooperation, first to combat external threats posed by the Government of Iraq, then by a Kurdish political movement with roots in political dissent. In this election, the two parties that have dominated Kurdistan's politics since the mid-1970s have been presented with a credible challenge by determined outsiders and their political practices will almost certainly undergo fundamental changes as a result. A political process which once had been dominated by the elite decision-makers of two established parties will now contend with a third party, whose ultimate influence at the polls is yet to be seen.

NOTES

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- ⁴ "Profile: Massoud Barzani," BBC News World Edition, November 26, 2002.
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- ⁶ Phebe Marr, *The Modern History of Iraq*, Westview Press, Boulder, Colorado, 2004, p. 278.
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