

Learning from Past Mistakes: Assyrians and the Iraqi Elections 2008



Assyrian Protesters in Bakhdeda (Hamdaniya, Nineveh, Iraq) Demand Their Right To Vote.

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Assyria Council of Europe

The Assyria Council of Europe (ACE) is an independent body that has been formed to take responsibility for raising awareness of the plight of Iraq's Assyrians (also known as Chaldeans or Syriacs) after the fall of Saddam Hussein's regime within the institutions of the European Union (EU). ACE is concerned that if urgent action is not taken to alleviate the dire situation of the Assyrians in Iraq then in

the near future Iraq may be devoid of its native inhabitants. Furthermore, ACE believes that the EU, with its increasingly important role in Iraq, is in a good and important position to be able to contribute to the successful maintenance of Iraq's Assyrian community and that true democracy can only prosper in Iraq if it is based on plurality and the rule of law, principles the EU is itself built upon.

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The cover picture shows Assyrian protestors in Bakhdeda demanding their right to vote in the January elections in Iraq in 2005. The picture was taken from a report by the Assyrian International News Agency (AINA) but its original source is the website www.ankawa.com.

INTRODUCTION

The right to vote in elections represents one of the most fundamental political rights a citizen can exercise and has now become entrenched in many international legal instruments such as the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966, the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, and many other regional legal instruments. The importance of this right is captured by the phrase 'one (wo)man, one vote, one value,' and in essence elections are the institutions by which the represented authorize their representatives to act for them.¹

The importance of this right cannot be overstated in new and fledgling democracies such as Iraq. After years of brutal oppression and persecution, the Iraqi people were finally given an opportunity in 2005 to participate in what were hoped to be fair and free elections for all Iraqis. Millions of Iraqis took advantage of their essential right to vote and went to the polls. Unfortunately, however, the enthusiasm which resulted from this new found freedom was not shared by hundreds of thousands of Assyrians (also known as Chaldeans or Syriacs) and a smaller number of other minorities such as Sabeans and Turkmen as reports emanating from Iraq, as corroborated by other international organisations, confirmed that voting irregularities and deficiencies on the day of voting denied them of their right to vote.

The aim of this paper is to raise awareness of the issues faced by Assyrians and other minorities in the Iraqi elections of 2005 which prevented them from voting and to propose possible ways in which the European Union (EU) can act and help the Iraqi government and the Independent Electoral Commission of Iraq (IECI) so as to prevent the events of 2005 which left hundreds of thousands of eager Iraqi citizens disappointed and without any redress from occurring in the upcoming provincial elections in Iraq which are scheduled to take place in October 2008.

¹ Katz, R.S., *Democracy and Elections*, (Oxford: Oxford University Press, 1997), p. 104

THE IMPORTANCE OF ELECTIONS AND REPRESENTATION IN IRAQ

Before going on to deal with the problems minorities such as the Assyrians faced when voting in the 2005 Iraqi elections, it is helpful to briefly touch upon the specific importance of elections and representation in Iraq.

Genuine elections are no doubt the bedrock of any democratic society and a society can not claim to be truly democratic if it does not hold genuine elections. In countries such as Iraq, which possess very pluralistic and diverse ethnic, religious and linguistic communities, genuine elections can foster national unity and reconciliation particularly after the country has been affected by war or dictatorial regimes. As voting itself is an act of direct participation in public decision making,² the participation of minorities in elections is crucial as it not only helps to create a feeling of national unity and brotherhood but it also provides minorities with a real opportunity to participate in the public and political life of the state, thereby preventing any resentment or envy surfacing between different ethnic or religious groups in the event of members of a specific group being prevented or unable to participate in such a process. The importance of this should not be underestimated and can be gauged by events in Iraq itself the past few years which have seen different groups jostling for political power.

With regards to minorities however elections also provide a golden opportunity to elect genuine representatives of the people they claim to represent and this is no more so than in the case of Iraq which has a myriad of different ethnic, linguistic and religious minorities. As Katz has cogently argued, the notion of representation suggests that the elected represent the electors to the extent that they are like them in some significant way, i.e. the point would be that representation requires the representative to share the interests or opinions of the represented.³ It makes sense to assume that many members of minority groups would rather elect members of their own communities to office as they believe they can best understand the needs and wants of such minorities and therefore be in a better position to influence governmental policies in such regard. Again, one only has to look to the results of the elections in Iraq in 2005 which generally correspond to this trend for proof of this.

Therefore, in pluralistic societies such as Iraq it is imperative that all citizens and especially small or vulnerable minorities are given free and well-informed choices to be able to vote for whom they think can represent them best and that this right should not be subjected to any impediment.

² *Ibid*, p. 105

³ *Ibid*, p. 104

WHAT WENT WRONG?

In its International Religious Freedom Report 2005, the U.S. Department of State reported the following with regards to the Iraqi January elections in 2005:

“Many residents on the Ninewah Plain, who are mostly non-Muslim, were unable to vote in the January elections. According to the Assyrian International News Agency, only 93 of 330 polling places opened, ballot boxes were not delivered, and incidents of voter fraud and intimidation occurred. This resulted from administrative breakdowns on voting day and the refusal of Kurdish security forces to allow ballot boxes to pass to predominantly Christian villages, denying as many as 100,000 Assyrian Christians and smaller numbers of Sabeans of their right to vote in the elections. After an investigation of these allegations, the Independent Electoral Commission of Iraq (IECI) acknowledged that the voting facilities in Ninewah were inadequate. The IECI claimed that these irregularities were a manifestation of the poor security situation in Ninewah, Anbar, and other regions and not a problem that exclusively affected a particular segment of the population.”⁴

According to the Assyrian International News Agency (AINA), six major Assyrian towns and villages in the Nineveh Plains around Mosul including Baghdada, Bartilla, Karamlesh, Shekhan, Ain Sifne and Bahzan did not receive ballot boxes which were stored in Arbil.⁵ According to another AINA report, Susan Patto, chief of staff to the Secretary General of the Assyrian Democratic Movement⁶ (ADM) in Iraq said that her organization contacted officials in Mosul who responded that the security situation prevented delivery of the vote boxes which caused Baghdad officials to then instruct election personnel in Arbil to deliver the boxes, but failed to do so. Subsequently, after the election hours ended on Sunday a U.S. helicopter delivered four boxes, two designated for Bartilla and two for Baashiqa, and election officials instructed local officials to permit three hours of voting on Monday morning to compensate for the previous day’s problems. According to Patto, “The next morning people headed again for the centers, but there were no staff, no ballots and no ink – just the boxes.”⁷ According to the ADM, the Tel-Kaif district also did not have enough voting ballots, preventing hundreds of people from voting in towns such as Al-Qosh, Tel-Sqof, Batnaya and Tel-Kaif.⁸

The voting irregularities in the Nineveh Plains prevented the minorities residing there, which make up the bulk of the population, such as the Assyrians, Shabaks and Yezidis, from voting in the elections. Estimates differ as to the number of people affected. The U.S. Department of State International Religious Freedom Report 2005 states that as many as 100,000 Assyrian Christians and a smaller number of Sabeans were prevented from voting,⁹ whereas other figures range from 50,000 Assyrians¹⁰ up to 250,000 non-Kurds¹¹ being unable to vote in the elections.

⁴ U.S. Department of State, *Iraq – International Religious Freedom Report 2005*, <http://www.state.gov/g/drl/rls/irf/2005/51600.htm>, (Accessed: 9th April 2008)

⁵ Assyrian International News Agency, *Assyrians Prevented from Voting in North Iraq*, <http://www.aina.org/releases/20050131003708.htm>, (Accessed: 9th April 2008)

⁶ An independent Assyrian political party established in Iraq in 1979. In the 2005 elections the party received 47,263 votes, thus allowing them to obtain a seat in the Iraqi Council of Representatives. It is represented in the Council by Yonadem Yousef Kanna, the current Secretary General. For this, see, Independent Electoral Commission of Iraq, *Certified Council of Representatives Candidates*, http://www.ieciraq.org/final%20cand/IECI_Certified_CoR_Candidates_En_Ar.pdf, (Accessed: 9th April 2008)

⁷ Assyrian International News Agency, *Iraqi Christians Claim their Votes Blocked*, <http://www.aina.org/news/20050202103925.htm>, (Accessed: 9th April 2008)

⁸ Assyrian International News Agency, *Assyrian Democratic Movement Protests ChaldoAssyrian Vote Lockout in North Iraq*, <http://www.aina.org/news/20050201115432.htm>, (Accessed: 9th April 2008)

⁹ See footnote 4

¹⁰ See footnote 7

¹¹ See footnote 5 and Assyrian International News Agency, *Assyrians, Turkomen, Yazidis Protest Outside Green Zone*, <http://www.aina.org/news/20050206112334.htm>, (Accessed: 9th April 2008). The ADM claimed that the deliberate failure to deliver ballot boxes to the major Assyrian districts in north Iraq prevented up to 300,000 people from voting. On this, see, Assyrian International News Agency, *Assyrian Democratic*

Naturally, the disappointment engendered by the inability to vote caused the affected communities to take to the streets to protest against their inability to vote in towns in the Nineveh Plains such as Baghdeda¹² but also outside the Green Zone in Baghdad.¹³

The Independent Electoral Commission of Iraq (IECI) admitted that there had been irregularities with 40 ballot boxes used in the January elections in the Ninawa Province; the IECI found that only in the town of Bartilla, with 15,188 voters, did the vote not take place.¹⁴ An IECI investigation found that security issues were the main causes of the irregularities with some materials being stolen forcibly from some electoral centers by armed groups, members of the commission being subjected to physical assaults in the region by some armed groups, and some ballot cards were stolen by an armed group and then returned in irregular bags.¹⁵ Unfortunately however, the IECI failed to take steps to ensure that the minority communities prevented from voting were given adequate means of redress, i.e. an opportunity to vote at another time.



Protestors in the Assyrian town of Bartilla
Taken from an AINA report, but original source www.ankawa.com

Movement Protests ChaldoAssyrian Vote Lockout in North Iraq,
<http://www.aina.org/news/20050201115432.htm>, (Accessed: 9th April 2008)

¹² See footnote 5

¹³ Assyrian International News Agency, *Assyrians, Turkomen, Yazidis Protest Outside Green Zone*,
<http://www.aina.org/news/20050206112334.htm>, (Accessed: 9th April 2008)

¹⁴ Assyrian International News Agency, *Iraqi Electoral Commission Admits Ballot Box Irregularities*,
<http://www.aina.org/news/20050207110304.htm>, (Accessed: 9th April 2008)

¹⁵ Assyrian International News Agency, *Iraqi Election Commission Report on Voter Lockout Inadequate*,
<http://www.aina.org/news/20050208111414.htm>, (Accessed: 9th April 2008)

ENSURING GENUINE ELECTIONS IN 2008

Provincial elections are scheduled to take place in Iraq in October 2008. Having experienced the irregularities which took place in 2005, both Iraq and the international community must take urgent and effective measures to ensure that the problems which afflicted some communities then are not allowed to recur again this year. As this paper is mostly concerned with how the European Union can help in this regard, attention shall thus now be focused on what role the EU can play to ensure genuine elections in Iraq.

In its Report on the European Union's Role in Iraq, the Committee on Foreign Affairs of the European Parliament recommended to the Council that the EU, as a global player, should assume its responsibilities for building up a new democratic Iraq and that the Council should adopt measures 'strengthening electoral procedures at the local level in order to ensure that provincial councils are fully representative of all local populations.'¹⁶ In addition, the report recommended that the EU and its Member States, in close consultation with the Iraqi authorities and other partners, such as the UN agencies and NGOs, 'continue to provide technical assistance for the organisation of fair and free elections.'¹⁷

Taking into consideration the events which took place in 2005 which prevented large numbers of minority communities from participating in the elections, and the added complications faced by the IECI in ensuring that internally displaced persons (IDPs), currently estimated at 2.4 million,¹⁸ are also able to vote in this year's elections, the importance of preparing well in advance to ensure genuine elections for all Iraqis is not to be understated.

A major contribution the EU and its Member States, all of which share a long tradition of democracy, can make to ensure genuine elections in Iraq in 2008 is by assisting the Iraqi government and the IECI in designing and implementing an electoral system which is equitable to all Iraqis, specifically minority communities. Such assistance would be completely in line with the European Commission's Electoral Assistance activities under its External Cooperation Programmes which has supported electoral processes in post-conflict situations such as in the Democratic Republic of Congo and Haiti.¹⁹

As this topic would require a paper solely dedicated on this issue, it is helpful to just briefly touch upon the important issue of minority representation within electoral systems.

As the United Nations Assistance Mission for Iraq (UNAMI) has correctly noted, when looking at electoral systems, the result of an election, as a group of representatives who are elected, should reflect the makeup of the society it represents.²⁰ As noted above with regards to the issue of representation in pluralistic societies such as Iraq, the importance of this cannot be underestimated. In the 2005 January elections, in which elections took place for 15 governorate councils, the IECI adopted a system of proportional representation with closed lists and the seats were allocated through a formula of Hare Quota and largest remainders with a natural threshold.²¹ The presence of thresholds makes it harder for minority communities to successfully elect representatives from their respective communities, thus prompting UNAMI to recommend that for future governorate elections, legislation should not include any reference to thresholds,

¹⁶ European Parliament, *Report with a Proposal for a European Parliament Recommendation to the Council on the European Union's Role in Iraq*, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0052+0+DOC+PDF+V0//EN&language=EN>, (Accessed: 9th April 2008)

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ On this see http://ec.europa.eu/europeaid/where/worldwide/electoral-support/electoral-assistance_en.htm

²⁰ United Nations Assistance Mission for Iraq (UNAMI), *Governorate Council Elections: Considerations for an Electoral System*, February 2008, http://www.uniraq.org/documents/UNAMI_Considerations%20for%20an%20Electoral%20System%20Feb%202008.pdf, (Accessed: 9th April 2008), p. 5

²¹ *Ibid*, p. 4

in order to facilitate the election of minority groups.²² Another way to circumvent the problem of the lack of minority representation, in addition to the lifting of thresholds, is by creating reserved seats for minorities. This is where a number or percentage of seats can only be contested by candidates from, and sometimes only voted for by voters from, designated historically under-represented groups.²³ This should apply especially so to indigenous communities such as the Assyrians in Iraq who have had a long history of political suppression under the previous Ba'ath regime where they were forced to deny their nationality and register themselves as either Arabs or Kurds in Iraqi censuses. Thus, in Iraqi provinces such as Ninawa (in which are situated the Nineveh Plains with their large Assyrian, Shabak and Yezidi minorities), Kirkuk, Baghdad, etc., which all house significant numbers of minority communities, seats should be reserved in governorate councils for minorities to ensure an adequate representation of all communities in the governorate councils. The EU, which itself has a long history of dealing with minority representation, can provide indispensable assistance in this regard.

UNAMI has also voiced concerns about the system of voter registration which may be used in Iraqi elections this year. The reason for this is that the Public Distribution System (PDS) used to draw a voter registry from may prove to be inadequate due to the number of internally displaced persons within Iraq²⁴ and the number of refugees outside Iraq, thus leading to the possible disenfranchisement of millions of Iraqis.²⁵ According to UNAMI, creating a new voter registry from scratch can take between 12-18 months, thus rendering elections in October 2008 either impossible, or reliant upon use of the PDS system with its serious deficiencies. The EU, working together with the UN and NGOs in the region, can utilise its financial clout and the number of NGOs with specific expertise in dealing with electoral systems and elections headquartered in the EU to help organize a new voter registry system which can be created in an expeditious and equitable manner so that disenfranchisement of voters can be kept to a minimum, if not prevented completely.

In addition to providing electoral assistance in Iraq the EU can also send an Election Observation Mission (EOM) to the country. EOMs are specifically important because they 'do not just serve to assess election days but also observe the whole electoral process as a way of gauging the state of democratic development in a given country at a particular time'.²⁶ Thus, such a mission could gauge whether an election is genuine by touching upon important issues such as whether the legislative procedures for establishing "ground rules" are transparent and inclusive; whether the election administration is independent, impartial, transparent and accountable; whether the rights to freedom of expression, association, movement and assembly are upheld;²⁷ whether a timely judicial review and accessible dispute resolution mechanisms are guaranteed; whether rules on campaign financing grant all with reasonable access to campaign funds;

²² *Ibid*, p. 9

²³ International Institute for Democracy and Electoral Assistance (IDEA), *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*, (Stockholm: International IDEA, 2002), p. 24

²⁴ As an example, according to figures from the Assyrian Aid Society, a registered Assyrian charity working in Iraq, there are 7085 Assyrian families which are internally displaced in the Nineveh Plains and another 2902 Arab, Shabak and Yezidi families with the same status. (These figures are as of 29th January 2008). If the PDS system is used to register voters, any eligible voters within these families may be prevented from voting.

²⁵ UNAMI, *Governorate Elections in Iraq 2007*, <http://www.uniraq.org/documents/ES-Governorate%20Elections%20in%20Iraq%202007%20Necessary%20Pre-conditions.pdf>, (Accessed: 9th April 2008)

²⁶ See http://ec.europa.eu/europeaid/where/worldwide/electoral-support/observing-elections_en.htm

²⁷ For example, in the 2005 elections, the Assyrian General Conference (AGC - Slate 800) reported that they had been prevented from campaigning in Assyrian villages in the Dohuk Province such as the village of Mangesh by armed members of the Kurdistan Democratic Party (KDP). According to the AGC, the armed men took down campaign posters from the walls, confiscated 3000 posters, 25 banners, and ordered the group to leave Mangesh. On this, see, Assyrian General Conference, *Kurdistan Democratic Party (KDP) Stops Assyrian General Conference from Promoting Slate 800 in Northern Iraq*, <http://www.assyrianconference.com/english/1043.html>, (Accessed: 9th April 2008)

whether equal access to the media permits all parties/candidates to convey their message,²⁸ and, whether security forces do not place undue restrictions on certain parties/candidates.²⁹

According to *Council Decision 9262/98*, the following pre-conditions must be met for the work of observers:

- The EU has been formally requested to monitor (i.e. observe) the election by the recognised government of the host country;
- The involvement of EU observers is supported by all the main contesting political parties or candidates;
- The EU has previously been monitoring political developments in the host country for a period of time and has the political capacity to assess developments through EU Heads of Missions (HOMs);
- There is enough lead time for the leaders of any EU monitoring (i.e. observation) team to be in place sufficiently in advance, in order to monitor (i.e. observe) the political and judicial environment and take part as appropriate in preparatory work prior to the election campaign itself.³⁰

According to the Handbook for European Union Election Observation Missions, the first part of the mission, the 'Exploratory Phase', is required to proceed at least 6-9 months prior to Election Day. Arguably, if the first two pre-conditions set out in *Council Decision 9262/98* can be overcome swiftly and if the political will for such a mission is present, there is still adequate time for an EOM to be operational in Iraq by October 2008.

Such a mission may be particularly beneficial to Iraq as it can enhance public confidence in the electoral process, particularly in the wake of the complaints about the process in 2005, it can deter fraud, strengthen respect for human rights, and also contribute to the resolution of conflict, issues which are amongst the main objectives of such a mission.³¹ Any such mission can also be of vital importance to minority groups in Iraq as the observation mission can also concentrate attention on issues such as whether or not national minorities have a reasonable chance at representation under the election system selected; the establishment of election district boundaries in minority regions, and the quality of the voter registry regarding national minorities; and whether or not sufficient attention is paid to voter education in national minority languages.³² Furthermore, as deployment is intended to take account of areas containing sizeable ethnic and/or linguistic minority populations,³³ voters in heterogeneous areas in Iraq such as the Nineveh Plains, Baghdad, Kirkuk, and other areas may feel a sense of reassurance knowing that observation missions are operating in the region, thus helping to prevent voter intimidation from occurring and maximising voter turnout.

²⁸ For example, AshurTV, a local television station in Iraq owned by the Assyrian Democratic Movement (ADM), has been forced to close and stop broadcasting due to lack of funding. Television stations and other forms of media are vital to political parties representing minorities in that they allow them to convey their messages to the electorate so that the electorate can make an informed choice of who to vote for when participating in elections.

²⁹ On these, see, *Handbook for European Union Election Observation Missions*, http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf, Accessed: 9th April 2008)

³⁰ *Ibid*, p. 17

³¹ *Ibid*, p. 21

³² *Ibid*, p. 49

³³ *Ibid*, p. 55