

Iraq: a large diaspora and security concerns

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Background

The Law of Administration for the State of Iraq for the Transitional Period (TAL) specified that elections were to occur no later than 31 January 2005. The date was set as 30 January 2005 for elections to the National Assembly, the Governorate councils and the Kurdistan National Assembly. Coalition Provisional Authority (CPA) Order no. 92 established an electoral commission—the Independent Electoral Commission of Iraq (IECI)—to be the exclusive electoral authority for Iraq. The commission is structured in such a way as to ensure its independence.

The IECI requested an assessment of external voting (out-of-country voting, or OCV), and this was undertaken in October 2004 by the International Organization for Migration (IOM). The objective was to provide a general overview of the options available and to ascertain the numbers of Iraqis in the diaspora. Demographic data were almost non-existent. The assessment report was presented to the IECI in late October 2004. It identified two options—one that could be implemented for the January 2005 election to take account of the tight time lines, and a more evolved system to be implemented for future electoral events. If an OCV programme were to be implemented for the January 2005 election, it was recommended that an experienced organization such as the IOM manage it.

IECI decisions and legal provisions

The IECI recognized the problems and risks of the short time line but decided that it was important to give the diaspora the opportunity to participate. It decided that OCV would apply to the National Assembly elections only, since the voters did not live in a local jurisdiction. The electoral system for the National Assembly elections, under which Iraq is a single electoral district (with proportional representation), made it possible to use a single ballot paper for the out-of-country voters. The suggested threshold for the numbers of potential voters in the diaspora of one country was 10,000. However, of the 14 countries the IECI named to host the OCV programme, most had over 15,000 potential voters. The IECI included France (with only an estimated 6,000 Iraqi electors)

and excluded Norway (which had 23,000). Since the numbers were rough estimates, it was difficult to set a firm threshold. OCV was to take place in Australia, Canada, Denmark, France, Germany, Iran, Jordan, the Netherlands, Sweden, Syria, Turkey, the United Arab Emirates, the United Kingdom and the United States. The estimated total number of eligible Iraqis in these countries was 1.2 million. Estimates of the total diaspora ranged up to 2 million or more but there was no way to confirm this number or even to establish a reasonable estimate of the worldwide total. (The estimated total number of electors in Iraq was 14.2 million.)

A memorandum of understanding (MOU) was signed by the IECI and the IOM on 11 November 2004, authorizing the IOM to conduct the OCV programme in the 14 countries. This gave them just over two months to complete the task. The IOM immediately started to negotiate MOUs for the programme with the various governments. It established cooperation with host countries, deployed staff, identified offices, developed materials and established polling and registration centres in an extremely short time. By 26 December 2004, 11 countries had signed agreements, with the other three signing shortly after. The concern over security issues had to be considered in each of the 14 agreements.

Two IECI regulations provided the legal basis for the OCV programme—10/2004 (Out-of-Country Registration and Voting) and 16/2005 (Polling and Counting Outside Iraq). The regulations outlined the procedures and clarified the counting process.

Eligibility to vote

Iraq has had a series of wars, which has meant that displacement and migration have occurred over a long period, starting as early as 1968. It was therefore difficult to limit eligibility by time period or status for expatriate Iraqis. However, most Iraqis did retain their documents.

The Electoral Law and the TAL specify provisions for eligibility and citizenship that are broad enough to include OCV voters. In order to vote, a person must be deemed an Iraqi citizen, be entitled to reclaim citizenship or be eligible for Iraqi citizenship (which is established only through the paternal, and not through the maternal link); must be born on or before 31 December 1986; and must be registered to vote. According to the TAL, anyone who has Iraqi nationality is deemed an Iraqi citizen; an Iraqi can have more than one citizenship; and no Iraqi can have his/her citizenship withdrawn. This definition was very broad so that estimates of numbers of eligible expatriates included almost anyone who had left the country at any time for any reason.

Registration procedures

There were no databases of Iraqis who would qualify for OCV, so each external elector had to provide proof of eligibility. This was not required in-country as the Public Distribution System (PDS) database was used as the basis for the electoral lists and only names to be added required proof.

Iraqi embassies were inadequate for the numbers of persons expected to register; moreover, not all the countries selected had an Iraqi embassy, so IOM staff in each country identified suitable premises. Security was an issue and security procedures were developed for each country.

The registration period was very close to the voting dates (17–25 January 2005). To accommodate the registrants, opening hours were extended and two days were added to the original registration period. A total of 279,785 Iraqis registered to vote at 74 registration centres in 36 cities (in the 14 countries). This represented some 25 per cent of the number for which the IOM had established registration capacity.

Registration procedures required applicants to present two documents to prove eligibility: this was in an attempt to prevent fraud, irrespective of whether one document, such as a passport, for instance, could prove all criteria. However, after the start of registration it became obvious that in some cases many Iraqis were in possession of only one document. The IOM then approached the IECI for permission to accept one legal document instead of two, and this was granted. There were a very small number of instances of malfeasance by registration staff, including accepting registration by proxy, registration without proper documents and intimidation. These were identified and dealt with by supervisors.

As the registration period was extended by two days, the last day coincided with a display period, during which challenges to the electoral list could be made. Because many Iraqis had to travel long distances to the registration and polling centres, especially at a time when many were attending the hajj, the Iraqi diaspora had requested that same-day registration and voting be allowed. However, the IECI decided, upon the recommendation of the IOM, that, in order to allow for a display period between registration and polling and to reduce the potential for fraud, no registration would be conducted during the polling period.

There was an intensive public information campaign using the media (radio, television and the printed press), distribution of posters and flyers, community meetings, a global information centre, a website, emails and text messaging. Thanks to the support provided by the host governments, there were no serious security incidents.

Polling procedures

The three-day voting period, 28–30 January 2004, ended with a total of 265,148 Iraqis voting from out of country. This was 94.8 per cent of registered external electors or 22 per cent of the estimated expatriate population in the 14 countries. The voting had taken place in 358 polling stations located in 75 polling centres in 36 cities (in the 14 countries).

The personal voting option was chosen as it was deemed to be more credible than other approaches (such as postal voting). Procedures were similar to those for in-country voting, including the use of voter-marking ink to prevent double voting. There were no serious problems but there were reports of minor incidents such as campaigning near polling centres. There were two incidents related to demonstrations against the election. In Auburn, Australia, there was a brief interruption in the polling (for one hour) while the police dispersed disruptive demonstrators. One notable success was that at the polling station in Manchester, UK, there was no disruption in the polling.

Initially, it had been anticipated that all OCV ballot papers would be returned to Iraq and counted in a central location there, but a more practical approach was adopted and counting centres were established in each city where there was external voting. An exception was the case of the Netherlands where, for security reasons, the government

had requested that counting take place in only one of the three cities where OCV voting took place.

Observers (and IECI monitors) were present throughout the programme, from registration to polling and counting, in all locations.

Financing

It had been estimated that the OCV programme for Iraq would be the most expensive operation of its kind ever undertaken due to the security risks and the costs of addressing them. The figures suggested by the assessment report (including security costs) were in the range of 67–92 million US dollars (USD) in total. The actual expenditure was close to the upper limit of the range. The IECI paid the IOM in instalments according to the arrangements set out in the MOU.

Conclusion

Given the time constraints and the complexity of the arrangements, it was generally agreed that the IOM had run a successful programme. It reported that it had identified the committed expatriates—those who wanted to participate and were interested in the democratic process in Iraq. The reasons suggested for large numbers of expatriates not registering included security fears, concern about the confidentiality of voter information, lack of interest due to the length of time out of Iraq, lack of documentation, and inconvenience for those living far from the voting centres. Since registering and voting required two visits to the location, it was a costly decision for those living a long distance from the designated cities (the IOM estimated that the selected cities were close to 60–70 per cent of the diaspora in each country). The Danish Government was unique in assisting with these transport costs.

The costs of the OCV programme were very high and questions were raised about the value in relation to the number of registrants. However, it was necessary to prepare for the possibility of over 1 million persons registering and the possible security threats.

As a result of the relatively low registration figures, the IECI is to review the parameters of future OCV programmes for Iraqi elections. Future electoral events will need to be assessed in the light of the security situation and the need for a comprehensive OCV programme. They will take into account expanding the operation to other countries and potentially changing the in-person registration and voting system to a postal system, at least in those countries where the postal infrastructure would allow this.