



International Election Monitors Institute Iraq Team

Final Report

Iraq Elections – March 2010

Background

At the invitation of the Independent High Electoral Commission of Iraq (IHEC), a six-person team from the International Election Monitors Institute (IEMI) served as international witnesses of the March 7, 2010 Iraqi elections. The team was composed of six former legislators from Sweden, the United Kingdom, Canada and the United States. In addition to their direct experience of elections, the team participated in pre-election briefings and training. All members served pro bono.

The team members were: the Honorable Per Gahrton, Sweden; the Honorable Anthony Simpson, United Kingdom (both former Members of the European Parliament); the Honorable Paul DeVillers, Canada; the Honorable Jim Slattery, USA; the Honorable Scott Klug, USA; and team leader, Mr. Douglas Rowland, Canada, President Emeritus of IEMI. In January 2006, Mr. Rowland led an international team which conducted a post-election analysis of the December 2005 Iraqi election processes.

The IEMI was formed in 2005 through the partnership of the United States Association of Former Members of Congress, the Former Members Association of the European Parliament and the Canadian Association of Former Parliamentarians. The Institute, which has offices in Washington, Brussels and Ottawa, received its initial funding from the Canadian International Development Agency.

The 2010 Iraqi election is a massive undertaking with more than 300 accredited political entities, more than 80 having candidates competing in this election. There were 6,292 candidates competing for 325 seats. Nearly 300,000 poll workers staffed 52,000 polling stations in 8,600 polling centers. In addition, there were 314 out-of-country voting precincts located in 16 countries.

Of the 325 seats, 310 were distributed among 18 Governorates in proportion to their populations. In addition, there were 15 compensatory seats, which include eight seats reserved for minorities – Christian, Yizidi, Sabeen Mandeian and Shabak. At least 25% of the seats in the Parliament must be held by women.

Mandate

The IEMI Team determined that its objectives as an international witness be tightly focused. First, the team was in Iraq to demonstrate support for the aspiration of the Iraqi people to determine their future through discussion, debate and the ballot. Second, the team concentrated its assessment narrowly on the design of the electoral processes and machinery, and the operation of IHEC headquarters. The size of the team and the length of its stay (eight days) meant that its observations should be taken as indicative rather than definitive. The conclusion is nevertheless based upon a considerable and diverse knowledge of elections and election processes.

Methodology

The IEMI team's methodology consisted of the following:

- 1) Review of the legal framework for the elections.
- 2) Review of the procedures for polling and counting.
- 3) A visit to the Governorate Election Office and a meeting with its manager Hussein Ali Bayati, and his staff.
- 4) Review of the anti-fraud measures in place.
- 5) Meeting with members of the IHEC Board of Commissioners, including the President Fraaj Haydari and Vice-President Tagreet Al Azzawi.
- 6) An in-depth tour of the Electronic Data Center led by Dr. Hazim Ahmed, its Director.
- 7) Discussions with IHEC staff and their international assistance advisors from IFES.
- 8) Observation of IHEC's complaint management procedure.
- 9) Meetings with political parties, Iraqi and international election observers, and election-oriented NGO's.
- 10) Meetings with members of the international community, including the Ambassadors of the U.S.A., Spain, Denmark, Poland, and Canada, and U.S. embassy staff.
- 11) In addition, some team members received briefings in their home countries or en route.
- 12) The team visited four (4) Special Needs Vote polling stations on March 4, 2010 and more than two dozen polling stations on March 7, 2010 to get a flavor of the election machinery and processes in operation

Observations

- 1) 2010 Election Executive Summary

- A) We think the Independent High Electoral Commission should be praised for its commitment to ballot integrity and a state of the art reporting network.
- B) All of us were impressed with the courage of the voters. In the face of nearly 50 explosions in the city of Baghdad, Iraqis of all ages and political affiliations went to the polls to vote. Their commitment to shape the future of Iraq is truly inspirational.
- C) We found that the 25 polling stations we were able to visit were properly staffed and equipped and followed proper protocols. Other international and domestic observers with whom we had contact reached the same conclusions.
- D) We were troubled by recurring issues centered on valid voter registration rolls. It is our hope that these problems will be solved for future elections.

2) The Structure and Organization of the IHEC

IHEC is a governmental and neutral election authority appointed in 2007 to replace the Independent Electoral Commission of Iraq, the transitional election body responsible for the 2005 elections. IHEC, under the supervision of the Iraqi Parliament, is the only body that has the authority to declare, organize, implement and oversee all electoral activities, including voter registration, governorate council elections and referenda. Its Board of Commissioners includes eight permanent election Commissioners and one Chief Electoral Officer (CEO) who were selected by the COR. In order to be selected, Commissioners must have elections expertise and must be known for their competence, integrity and independence. Two of the Commissioners are women. The IHEC law also mandates that two of the Commissioners must be lawyers. The CEO heads the IHEC Administration and is a nonvoting member of the Board of Commissioners.

The team found that the organization and structure of IHEC was consistent with international standards and best practices. It was indicated to us, however, that the Council of Representatives informally took into account the political affiliation of Commissioners in the appointment process rather than strictly adhering to the requirement that they be truly neutral and independent. There are very successful examples of electoral commissions that operate on the basis of a balance of political forces. These successful examples almost always formally acknowledge that fact and explicitly describe the process for achieving a balance. Making the change through an informal and opaque negotiation increases the risk of generating suspicion about the integrity of Board decisions, especially among those entities that feel they are not 'represented' in the Board's make-up. In a country where an election is being contested by more than 80 political entities, it is important that the legitimacy of the electoral board be above suspicion.

One of the roles of IHEC is to certify parties and candidates. We note with concern the decision by the central government a few weeks before the election to ban certain candidates who were alleged to have ties to the Baath Party. Electoral Commissions in the Democratic process should have the sole right to make this decision and not be subject to outside interference.

3) Election Safeguards

The design of measures put in place by IHEC to safeguard the electoral process, including the polling and vote counting processes, meets international standards. These have provisions for: the attendance of international election observers (613 representing 19 countries), as well as the accreditation of several hundred thousand domestic election observers and Party Agents who may attend the count and may sign the tally sheet.

We applaud the decision to select temporary election staff via a lottery which reduces the opportunities for collusion and fraud.

The raw count of the total votes takes place in the polling station immediately after the polls close and the tally, once completed, is posted on the door to the polling place for one half hour. The ballots are then transported to regional counting centers where the actual tabulation of individual votes takes place beginning several days after the election. The counting centers only report the final total. There are no interim reports as often used in other countries, for instance as when 50% of the results have been counted.

There are security features incorporated into the ballot design such as watermarks, ballot batch serial numbers and election material security features such as tamper-evident bags, transparent ballot boxes and numbered seals on the ballot boxes.

The IHEC Electronic Data Centre for recording and processing the vote is state-of-the-art. It operates as a local area network with its own server with no external connections located in a secure space open to view. The data center has more than 400 workstations, each with its own computer. All polling results are entered twice, each by a different person and compared. There is a data entry supervisor for every ten data entry personnel and 25% of all data entry forms are pulled at random for quality check.

The provisional or conditional voting procedures meet international standards. The complaint process also adheres to generally accepted standards. It would be improved if a process to acknowledge receipt of the complaint could be established. The lack of an established postal system is a barrier. IHEC has attempted to address the problem by posting complaints on its website, but in a country lacking internet access. it may not be a very effective solution. Complainants nevertheless do retain a copy of the complaint form.

4) Ad Hoc Decision Making

The Council of Representatives did not complete the revisions to the electoral law until December 6, 2009, barely three months before the election, putting a severe time squeeze on IHEC. The result has been that IHEC has been forced into sporadic ad hoc decision-making. With a temporary staff of some 300,000, effectively communicating last minute modifications is difficult, leading to confusion and varying interpretations of the changes from polling place to polling place. The result is a lack of transparency from the viewpoint of the average voter with an accompanying decline in the confidence of the system's integrity.

One example of this kind of decision-making was to permit police and military personnel whose names did not appear on the voting issue to cast a conditional ballot. The decision was made in the midst of the actual voting in special needs polls and was applied inconsistently.

In our view, however, IHEC has frequently erred on the side of inclusiveness in its decisions. The trade off for these decisions is loss of some transparency. This can also introduce delays and confusion resulting in reduced confidence in integrity

5) Needs for a Definitive Voter List

A major factor in the challenges to the legitimacy of the 2005 elections, namely the lack of a definitive voters list, continues to adversely affect citizens' attitudes towards democracy and their belief in the legitimacy of the process. Iraq has not had a census in more than fifteen years, and the country's records frequently omit standard information found in most countries, such as a street address. Iraqi records are defined by family name and neighborhood.

Improvements have been made to the original database which uses the family ration cards (adopted in 2005 for practical reasons). Major revisions to the list took place in 2008 and 2009. Voters were offered opportunities prior to the present election to correct any errors in their entries. Nonetheless, there remains uncertainty about the total number of voters, the number of eligible overseas voters, the number of internally displaced voters, the number of special needs voters and the number of people who have moved in the period leading up to the election. In all likelihood, there can never be certainty about several of these categories of voters. A sound census-based core voters list or registration would enhance confidence in the system and reduce opportunities to allege fraud or potential fraud.

6) Election financing

The team has had no means to prove or disprove allegations that several political entities are receiving large amounts of money from foreign sources. Similarly, we heard many allegations of parties corrupting news media by buying news items on electronic and print media. Once again, we have no evidence to confirm or deny such allegations. We can only assert that as long as there exists no law governing election expenses, such suspicions can gain currency to the detriment of the reputation of democracy and the democratic process. Accordingly, we would suggest that the new Council of Representatives quickly consider the election financing legislation on which it had begun work before the election.

7) The Ballot and Seat Allocation

At first glance, the ballot form employed seems complex, but in actual use, it is simple and straightforward. IHEC has employed effective voter education to acquaint the electors with the voting procedure and, in addition, requires the polling official issuing the ballot to ensure that the voter knows how to use it.

The seat allocation procedure, in contrast, is excessively complex. Seats are allocated through the system of open list proportional representation, but there are confusing and time-consuming intermediate steps including a quota for women, the application of a threshold and the assignment of national compensatory seats.

These measures are generally directed towards equity and inclusiveness. These rules, however, have the effect of making the seat allocation process lengthy and confusing to the average voter, causing doubts about the integrity of the system. We have no profound suggestions to offer by way of correction, but do urge against the adoption of any changes that would have the effect of adding still more complexity. We understand the resistance to smaller multiple-member constituencies, which could well have the effect of emphasizing racial and religious divisions and working against cross-cutting coalitions.

The lengthy seat allocation process is then compounded by the prolonged negotiations to form the government itself. We urge the government to explore ways to compress this timeframe.

Conclusions

Our team was greatly impressed by the courage and determination of the many Iraqis who braved terrorist threats and actions to cast their ballot. In fact, our inspections on Election Day were delayed by a series of bombs which ripped through Baghdad. We also wish to complement IHEC on once again putting in place effective election machinery nation-wide and internationally. The team observed considerable

improvement in the electoral process since the 2005 general election. This view was held by the domestic monitoring organizations and nearly all Iraqi officials with whom we met.

Whatever shortcomings may eventually be documented, and there has rarely been an election anywhere without some, the essentials of a democratic election were in place. Mechanical errors can be corrected. Trust in the system is key and trust grows with use.

Annex 1

Polling Stations Observation

The team was actively engaged in visiting polls during two days of voting. This is what was observed on the basis of our small sample.

Special Needs Elections Observations

The Special Needs elections took place on March 4, 2010. It allowed the military, police, and fire units to vote early because they are all committed to security issues on Sunday. In Baghdad, for instance, these voters were assigned to one of six schools designated for special needs voting. In addition, polling stations were also opened for the day in hospitals and jails.

We had hoped to visit two schools, but were forced to cancel one visit because of security risks. In fact, a school in the neighborhood of our cancelled visit was later hit by a suicide bomber.

We did spend forty-five minutes at one special needs polling station located in an all girls high school in Baghdad's Mansur neighborhood. We were impressed by the heavy turnout given the threat of attacks from forces trying to derail the election.

Here are some of our conclusions:

The poll workers had received substantial training and followed all protocol laid out in the election manuals circulated by IHEC.

We observed some problems at the polling station regarding the voters' lists for Iraqi security personnel. Similar problems were reported elsewhere in the country. This can be traced to the failure of some military and police units to report their list of members in a timely fashion. When there were omissions, the election workers correctly allowed the soldiers to vote using a provisional ballot. In fact, IHEC stepped in quickly to solve this problem by announcing the correction on national TV.

We were initially concerned that voters wiped their index finger to clean off ink immediately after dipping it. Traditional procedures call for voters to wipe their finger first to clean off oils, and then apply the ink. We were later assured by IEFS that the polling station staff were following protocol since the ink used in these elections is much stronger than that used in other countries. In fact, it is so strong that it actually stains the underlying layer of the skin and wiping will not remove the coloring from the cuticle.

General Election Observations

First let us point out how deeply impressed we were with the courage of the voters. There were more than 40 explosions in Baghdad within the first three hours of the polls opening, which caused dozens of casualties. Despite the ubiquitous threat of violence, more than 60% of voters cast their ballots.

The March 2010 elections were highly competitive, making fraud on any systematic level very difficult. Ballot boxes appeared to be properly sealed.

We found no evidence of improper campaign activity in or near the polling sites, but we did note the presence of some campaign signs too close to the polling centers

Security checks on both male and female voters seemed properly conducted and reasonable given the level of threat.

Our team was troubled by the practice of husbands actively walking their wives through the balloting process.

At each polling station we found multiple party poll watchers and, in one case, an international observer. All of the polling stations were staffed by a minimum of three people. In many cases, teachers from the schools provided the bulk of the election workers, and most had experience in more than one election.

We noted that the checks for identification of voters were consistent with the ration card as the basic form of ID. Again, we saw poll workers check for ink on the index finger to make sure no one was voting more than once. And we consistently saw voters required to dip their fingers in ink before depositing their ballot.

Interactive charts describing the voting process were visible throughout the polling centers.

We were unable to verify the opening and closing times of polls because we were at most polling sites for thirty minutes or less, and all of our visits came around midday.

Voting appeared steady and we did not notice the presence of any long lines. Voters appeared to move smoothly through the polling sites scattered throughout the buildings.

On March 8, 2010, the day after the election, we visited one of two counting centers within the city of Baghdad. Again, the center appeared to follow all IHEC protocols. Senior officials on the site spent significant time explaining how the count would be handled. Staff seemed well trained, and the boxes all seemed securely sealed.

Annex 2

Briefings

In Iraq

- Faraj Haydari, President, Independent High Electoral Commission (IHEC)
- Tagreed Al-Azzawi, Deputy President, IHEC
- Dr. Hazin Ahmed, Director, Date Entry Center, IHEC
- Ahmed H Alagily, Director of Complaints and Legal Consultations, IHEC Complaint Center
- Al-Bayati Hussein, Director, Khark Count Center
- Sean Dunne, Director, IFES
- Jennifer Blitz, IFES
- Hogir Ch. Shekha, General Coordinator, SHAMs Network of Domestic Observers
- Jamal Jahfar, Legal Advisor, SHAMs
- Ali Al Dujaily, Secretary of Tammuz Organization for Social Development (TOSD)
- Eva Kareem, Public Relations, TOSD
- Wahid Khalid, Media Relations Committee Member, TOSD
- Ambassador Charles Hill
- Ambassador Gary Grappo, Political Ministry Counselor, U.S. Embassy
- Eric Carlson, Deputy Political Counselor, U.S. Embassy
- Rick Mills, Political Counselor, U.S. Embassy
- John Ayres, USAID
- Carlo Accame, Team Leader, EU Assessment Project
- Alexander Matus, Election Analyst, EU Assessment Project
- Jackie Frank, Country Director, IREX-Iraq
- Dr. Nabeel Yasmeen, Candidate, Trend for Justice and Freedom and Renewal of Iraq
- Ms Nora Sa'aid Jerjees, Candidate, Trend for Justice and Freedom and Renewal of Iraq
- Ms. Anway Al Arajy, Candidate, Trend for Justice and Freedom and Renewal of Iraq
- Kahlid al-Asadi, SOL Candidate

- Tamara Manhel, Civil Society Staffer
- Hussein Mohammad Mahdi, UIC
- Bushra Kazim, Activist
- Wafaa Hussein Abd Hasan, UIC Activist
- Abdualmeer Kadhum Salman, Youth of Parliament
- Hassan Attiya Alwan, Baghdad Youth Center
- Arta Zherka, NDI Program Leader

In Canada

- John Holmes, Director General, Middle East and Maghreb Department of Foreign Affairs and International Trade
- Howard Ziad, Iraqi Ambassador to Canada

In London

- Tara McCabe, Iraqi Desk Officer, Foreign and Commonwealth Office

In Jordan

- Mark Wilson, Second Secretary, U.S. Embassy
- Madar Zahran, Economic Specialist, U.S. Embassy
- Liana Paris, IDP Monitoring International Project officer

Annex 3

Team Member Biographies

Paul DeVillers

Paul DeVillers represented the Canadian riding of Simcoe North as a Member of Parliament from 1993 to 2006. During his tenure Mr. DeVillers served in several capacities, including acting as Parliamentary Secretary to the President of the Privy Council and Minister of Intergovernmental Affairs and as Deputy Leader of the Government in the House of Commons. He also chaired several committees, such as the Standing Committee for Justice, Human Rights and Public Security, as well as the Human Rights Sub-Committee of the Standing Committee of Foreign Affairs.

Mr. DeVillers traveled extensively while serving in Parliament. In 1999, he represented Canada in South Africa for the changing of Leaders from Mr. Mandela to Mr. Mbeki. As Secretary of State for Sport, he negotiated and signed bi-lateral agreements for co-operation in sport with Russia, Brazil, Malaysia and Cuba. Outside of Parliament, during 2008 and 2009, he served as Special Advisor-Caucus to the Leader of the Official Opposition, acting as Caucus Liaison with the Liberal National Caucus.

A graduate of the University of Ottawa, Mr. DeVillers practiced law for many years before being elected to Parliament.

Per Gahrton

Per Gahrton represented Sweden's Green Party in the European Parliament for ten years. During his tenure, Mr. Gahrton participated in missions with both the Swedish and European Parliaments to the Middle East in 1990 and 2003. Before becoming MP and MEP, Mr. Gahrton was a correspondent for Swedish Media in the Middle East, a region he has travelled extensively. Mr. Gahrton has also participated in election observation missions to Russia, Georgia, Palestine and Indonesia.

He currently works as a freelance writer and lecturer and is active in many organizations. He is a chairperson of the Swedish Green Think Tank COGITO, a chairman of the Palestine Solidarity Association of Sweden, and a member of the Advisory Council of the Regional Environmental Center for South Caucasus in Tbilisi, Georgia.

Mr. Gahrton has a PhD in Sociology and has authored some forty books.

Scott L. Klug

For eight years, Mr. Klug represented Madison, Wisconsin in the U.S. Congress, where he developed an expertise in health care, insurance, financial services, telecommunications and energy policy. Today he is a public affairs director at the national law firm of Foley & Lardner LLP.

The former Congressman was appointed by President Bush to two terms on the President's Advisory Board on Trade and Policy Negotiations which provides counsel on fast track authority, CAFTA, trade with China and other issues.

Mr. Klug has led training programs on journalism and political campaigns for the U.S. State Department in Venezuela, Thailand and the United Arab Emirates; for the International Republican Institute in Indonesia and Guatemala and for Internews in Uzbekistan. During his tenure in Congress, he led delegations to the U.K., New Zealand, India, Sri Lanka and Nepal. He also participated in other trips to Algeria, Uganda, South Africa and Zimbabwe. He is a frequent contributor to U.S.-European exchange programs both in the U.S. and overseas and in 2007 led a trip for Congressional staffers to Armenia, Georgia and Azerbaijan.

Douglas C. Rowland

As a former federal Member of Parliament, Mr. Rowland held the post of Defense Critic for the New Democratic Party. Mr. Rowland has had extensive experience in government politics and the not-for-profit sector. Mr. Rowland was the President of the International Election Monitors Institute (IEMI), formed jointly by the Canadian Association of Former Parliamentarians, the United States Association of Former Members of Congress and the Former Members Association of the European Parliament. He was recently named President Emeritus by the IEMI Board of Directors.

Mr. Rowland has been active in governance and democracy work internationally. He has had assignments in Morocco, where he developed a domestic election monitoring organization, in Mexico, the former Yugoslavia and Indonesia. In January 2006, Mr. Rowland headed the six-person International Mission for Iraqi Elections' Assessment Team sent to Baghdad to analyze the December 2005 Iraqi election results. In 2007 he participated in election monitoring missions in Morocco and Ukraine.

He is currently the Chair of the Board of Directors of the Centre for Legislative Exchange.

Anthony Simpson

A former lawyer, Mr. Simpson was elected as the Member of the European Parliament for Northampton and South Leicestershire, United Kingdom, where he served for three terms from 1979 to 1994. Mr. Simpson was a long-standing Member of the Legal Affairs Committee and the Third World Development Committee, where he was the Group Spokesman of the European Democratic Group from 1987 to 1989. He also served as a Member of the African, Caribbean and Pacific Joint Assembly, travelling widely in Africa and the Caribbean.

Between 1994 and 1996 Mr. Simpson was an Assistant Inspector in the Inspectorate General of Services. Between 1996 and 2000 he set up and managed the DAPHNE Programme, which is designed to help NGOs, local authorities and those working with children in other organizations within the EU to combat violence against women and children.

Mr. Simpson retired in 2000 and remains active in numerous associations and committees.

Jim Slattery

Jim Slattery, a six-term U.S. Congressman from Kansas, was a member of the House Energy and Commerce Committee during his entire 12-year tenure in Congress. This Committee has broad jurisdiction over health care, energy, telecommunications and environmental issues like the Clear Air Act and Superfund. He also served on the House Budget Committee and House Financial Services Committee.

Mr. Slattery is a former President of the U.S. Association of Former Members of Congress and serves on the Board of Directors for several organizations.

A graduate of Washburn University School of Law, Mr. Slattery is currently a partner with the law firm Wiley Rein where he advises clients who have matters pending before Congress, federal agencies and regulatory bodies. He has experience in energy, railroads, health care, insurance, international trade and telecommunications.