

**IEAT working paper # 5:
OPTIONS FOR MINORITY REPRESENTATION**

1. As the Council of Representatives (CoR) proceeds with its discussions on the Electoral Law for the upcoming provincial elections, one key element to take into account will be the inclusion of a mechanism enabling the representation of minority groups. Article 125 of the Iraqi Constitution states that “*this constitution shall guarantee the administrative and political rights (...) of the various nationalities such as Turkomen, Chaldeans Assyrians and other constituents*”. The minority groups mentioned in the different provisions of the Constitution include the Turkomen, Yeçidis, Christians, Chaeldeans, Assyrians, Mandeian, Sabeian, Shabaks, Syriac and Armenians.
2. In addition to key decisions on what constituency will be the unit of representation (the province or the district), what the electoral formula will be (PR, majoritarian or mixed), and the modality of the elections (open or closed list), the CoR will have to decide:
 - a) What governorates should have special measures for minority representation in their provincial councils?
 - b) What groups should be considered minorities in those governorates for the purpose of elections?
 - c) What is the most appropriate way to ensure their representation?
 - d) Should there be a minimum number of seats reserved for them?
3. During recent consultations with the IEAT, minority groups have requested the introduction of special provisions for elections to the provincial councils in Baghdad, Basra, Tameem, Diala and Ninewa.
4. The choice of electoral unit and of electoral system will have an impact on the representation of minorities. As indicated in the IEAT fact-sheets on electoral systems, the only ways to guarantee the representation of minorities would be either:
 - a) To allocate *reserved seats* to minority groups for which only minority representatives can be candidates (as used for the KNA elections in January 2005). This option will require a CoR agreement on the number of seats each minority group is entitled to in selected provinces as well as decisions on who is entitled to be a candidate for those seats, and who is entitled to vote for those candidates. From an operational perspective the options are:
 - *Separate ballot* for the reserved seats which will complicate the IHEC operations as it requires separate ballot boxes, and a decision on who is eligible to vote. This last point has implications for voter registration, e.g. if it is decided that only members of minority X can vote for the seats reserved for minority X. It is also possible that in a single governorate there be seats reserved for more than one minority, and this will add to the operational complications.
 - *Same ballot* as for the governorate election (the most voted candidates from each group are elected regardless of their number of votes), which will facilitate IHEC’s operations as both the polling and counting is relatively easy. However it may lead to criticism of the elected minority

representatives if they are elected with small numbers of votes. This option also requires candidates to be identified as minority candidates, if they stand for a party that does not represent minorities.

Besides the operational complexities associated with the formula of having reserved seats, sometimes this formula is also criticized because it allows mainstream parties to ignore minority issues, although it is recognized that it facilitates representation of minority groups

- b) To ***remove all thresholds*** so that minority parties or candidates can be elected with a smaller number of votes. Unlike the reserved seats option, this does not require a decision on the number of seats each minority is entitled to, or a decision on who is eligible to contest those seats. Because of the controversy around those two decisions, the removal of thresholds was the option adopted by the TNA in preparation for the December 2005 CoR elections. The system was operationally straight forward for the IECI as minority parties (ethnic, religious or political) contest the election in the same way as any other party. The removal of thresholds facilitated the election of a Yeçidi candidate to the CoR with one third of the votes required to get one seat in that province. This option refers mostly to PR systems, where thresholds are pertinent.
- c) To ***introduce reserved seats and remove the thresholds***. During consultations with IEAT, minority groups requested a combination of the two options outlined above as the only way to guarantee their representation. If this was the chosen mechanism to ensure minority representation at provincial level, the CoR would have to take at least three decisions as part of the electoral law:
 - i) Decision on the number of reserved seats in each province.
 - ii) Decision on who is entitled to compete for those seats.
 - iii) Decision to remove all thresholds for those seats.

This option has all the operational disadvantages of the two formulae for the IHEC but it would not delay the deadline for elections more than the reserved seats option alone.

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