Electoral systems and political participation in local and legislative elections of Iraq

Sistemas electorales y participación política en elecciones locales y legislativas de Irak

A.G. HAMZAH
https://orcid.org/0000-0003-4817-319X
asaadghali@mustaqbal-college.edu.iq
Al-Mustqbal College University, Iraq

ABSTRACT

Dawn of March 19, 2003, the coalition forces ended the dictatorial regime that had lingered for more than 30 years, liberating Iraqis and help them make the shift to a democratic system. Nevertheless, religious groups and parties supported by neighboring countries managed to seize power in a very short period. They succeeded in manipulating the electoral system and deform the applied Saint – Lego system in a way that serves their political agenda.

Keywords: Electoral systems, political participation, election, Iraq.

RESUMEN

Al amanecer del 19 de marzo de 2003, las fuerzas de la coalición acabaron con el régimen dictatorial que había durado más de 30 años, liberando a los iraquíes y ayudándoles a dar el paso al sistema democrático. Sin embargo, grupos y partidos religiosos apoyados por países vecinos lograron tomar el poder en un período muy corto. Lograron manipular el sistema electoral y deformar el sistema Saint-Lego aplicado de una manera que sirva a su agenda política.

Palabras clave: Sistemas electorales, participación política, elecciones, Irak.

Utopía y Praxis Latinoamericana; ISSN 1316-5216; ISSN-e 2477-9555
Año 26 n.º extra interlocuciones 2, 2021, pp. 270-285
271

INTRODUCTION

The political participation and electoral systems are an important point in directing the voter and influencing his electoral choices, on the other hand, elections, pluralism, and formal partisanship may lead to overriding the traditional division of governance systems such as democracy in its various models versus totalitarian and authoritarian systems in its various forms and appearing forms that carry in it a new division, as "Authoritarianism competitive "Electoral authoritarianism (Diamond & Plattner: 2006).

The concept of political participation is one of the most important approaches which has a special position intertwined with many other concepts, and democracy cannot be talked about without being exposed to political participation and electoral systems through the mechanisms that convert the votes of the voters to the corresponding parliamentary seats according to certain mathematical methods, bearing in mind that the electoral systems are not compatible with all political systems, and there is no electoral system that is suitable for every time and place where we find that there is an electoral system that succeeds in one country and stumbles in another, but the important thing is that the electoral system is closer to real representation for the voter (Dawisha: 2005, pp. 723-737).

The choice of the electoral system is one of the most important political decisions of any country, as the form of the electoral system may affect other aspects of the political system and may change from a democratic system to a dictatorial system, or vice versa. The researcher did not approve in his study of the last elections in 2018. because of its massive fraud operations, when it resulted in the burning of a large number of ballot boxes, the reluctance of individuals to go to the polls, and other reasons were by distorting the method used to calculate votes and accrediting St. Lego as the ratio reached 1.7 as an electoral participant (Cheet & Awad: 2018).

Research problem:

The electoral systems applied in a country are important in orienting the voter's will and affecting his electoral options towards the candidates and then forming the government that desired. The legislators tend to choose a type of electoral system that has important guarantees to represent the will of the voters.

After the change in 2003, Iraq encountered significant challenges in building democracy and moving from totalitarian regimes to establishing a system in which legalization of public rights and freedoms have been established, as it became clear that the important challenge is the way to choose an electoral system that is based on democratic standards and guarantees the active participation of the citizen and accordingly attempts to research examining the electoral systems applied in 2008 at local elections and what are the foundations on which the electoral system was chosen? What are the legislations that codified the electoral systems? What is the electoral system applied in the 2009 provincial council elections, and what is the role of the quota system in distributing parliamentary seats in the 2010 legislative elections?

METHODOLOGY

The descriptive approach was relied upon by describing the legislation related to the study and then relying on the statistical approach in the statistical data presented in the research and then using the analytical approach in terms of analyzing the statistical data, meaning that the research relied on the descriptive composite analytical approach.

Research Structure:

The research was divided into two requirements:
The first requirement: Political participation
The second requirement: Elections and electoral systems
First requirement - political participation
The right to political participation finds its philosophical basis in the theory of the nation's sovereignty and

the theory of the people sovereignty, which set a group of definitions and characteristics that emphasized voluntary activities through which members of society contribute to the selection of their rulers and in the formulation of public policy directly or indirectly.

The concept of the right to participate in political life is not limited to extracting the opinions of jurists, but it includes the constitutions that were issued centuries ago, in addition to the international conventions that affirmed the exercise of this right and participation in political life, which was approved by most countries in their constitutions.

The concept of political participation as a political process is more than a propaganda slogan in which states professor a characteristic of their political system, but rather it is a philosophy that must be believed in and work to take legal steps and provide intellectual and human means to achieve this process and its goals on the ground.

Therefore, it is necessary to research the concept of political participation through several basic axes, namely:

First: linguistic, idiomatic, and procedural definition.

Second: The intellectual schools that discussed political participation.

Third: The most important thinkers and different opinions that have arisen about political participation.

Fourth: Concepts related to the concept of political participation.

Fifth: The fundamentals of the concept of political participation.

RESULTS

First: Defining the concept of political participation

The problem of defining concepts is one of the main problems, as they multiply and overlap according to the individual affiliations of each thinker.

1- Linguistic definition:

The word "participation" is derived from the participle's Latin word, which consists of two parts, meaning apart, and second compare, which means "to do." Thus, participation means to take part, that is, to perform a specific role

Among the general definitions that dealt with the concept of participation in general, we find:

* Participation in the formal and informal contribution of individuals and groups in all activities to achieve public benefit.

* It is that individuals obtain.

A share of something, meaning that the participant has a share in public affairs.

As for what is meant by the word (politics), it is linguistically derived from the source of the Arabic verb (manage), and this word comes in the sense of managing people's affairs, owning their affairs, exercising them, and enforcing the matter in them (Mohamed: 2018, pp. 153-171).

It can also be defined as an experimental science that aims to study the formation and participation of powers, and it should be noted that the word authorities here within the framework of the definition of "Kaplan" does not differ from the definition of Eton for the policy in that both definitions agree that there is an issue issued by decision-makers and subject to the governed.

2-Idiomatic definition:

There are multiple idiomatic definitions of the concept of political participation, the multiplicity of intellectual attempts that dealt with this concept, which created difficulties for a specific definition, and the most prominent of these definitions can be indicated.

A. Political participation means the participation of the largest possible number of society individuals in the largest number of activities and areas so that these areas are in line with the capabilities and requirements of individuals.

B. It is the process by which the individual can play a role in political life to achieve the desired goals, provided that every citizen has the opportunity to contribute to setting goals and learn about the best means and methods to achieve them, provided that the participation of individuals in those efforts based on self-motivation and work the voluntary, which construe the citizen's sense of responsibility, and that everyone believes that they have the freedom to participate in the values approved by society.

The Procedural definition:

Procedural indicators for the concept of political participation can be addressed through the following definition, which is one of the most accurate definitions through which it can reach procedural indicators for the concept of political participation, it means (the direct or indirect participation of citizens in the decision-making process within the surrounding political system) and through this definition can reach the indicators of political participation in society, which can be summarized as follows: -

A- The citizen's right to vote.

B- The citizen's right to hold public office.

C- The citizen's right to participate in the decision-making process.

According to this concept, political participation means that there are several levels of participation ranging from negative to absolute positive, which differ with the different systems of government in terms of being democratic or authoritarian.

Second: The intellectual schools that discussed political participation.

Many schools have talked about this concept is an old concept, and many thinkers and philosophers have dealt with it in research and analysis, but this concept is related to the idea of power-sharing and the components of the political process, and this was the focus of schools 'attention as follows:

The capitalist school: This school called for a set of principles that give the individual a higher value than the group and considers the state's interference in violation of the principle of individual participation, and this differs from the socialist theory, which sees the necessity of taking away the individual from its identity and assigning the rule to the Politaria class expressed by the imperative of the working class resorting to the revolution to reach to the socialist society.

On the other hand, many schools of thought emerged that were interested in talking about political authority in general, and from these schools, we find a school (the elite, the class, and political pluralism) where the elite theory owners have tended not to share power, as Maximilian Karl Emile Weber pointed to three modes of power, there are traditional Legal rationality ended with charisma

As Maximilian Weber concluded that bureaucracy is a means of transcending ideal political power, and from here, we find that the analysis of elite theory to political power is not based on the criteria of class awareness, but institutional and psychological factors contribute to it, but the owners of the class theory did not expand the concept and focused on the control A social class on the means of materialistic intellectual production, and if we analyze the theory of political pluralism, we find it dividing power and the ability of everyone to participate in the practice of sharing political power, and this happens through influencing decision-making processes, even to degrees.

Varying were found the difficulty of centralizing the authority due to its distribution and spread according to many sources and groups with varying capabilities and resources

Third: The most important thinkers and different opinions that arose about participation and politics.

It has also been previously mentioned that the concept of political participation has found great interest by many philosophers, thinkers, local and political, and in this framework, we will try to address the most important of these analyzes and opinions as follows:

A. Plato: He discussed the concept of political participation during his talk of democracy, as he stressed that democracy is one of the manifestations and forms of political participation, and he defined it as a mixed state that is based on a process of balance between different layers of society and the introduction of the principle of freedom.

B. Aristotle: We find in Aristotle's book Politics the old saying: "When each state had a kind of participation and every participation was aimed at achieving the common good and benefit, therefore the good is the goal of all the participations, and for this, the supreme good is what is called based on combining everything other than Community Participation. "Upon analyzing the text, we find that what is meant by the ultimate good is political participation

C. Jane Jacques Rousseau: - He defined it as the ability to practice or exercise sovereignty, and this approach excludes from political participation individuals who cannot exercise sovereignty, and we note that this thought seeks to implement the tradition that the ancient Greek state had previously known and which sees the need to assign affairs The general public to individuals in the administration.

D. Granite Barry:- He believes that political participation has three aspects.

1- The intensity of participation: i.e., measuring the number of individuals participating in certain political activities, with an indication of how to participate.

The Method of participation: It means the form it takes, whether the form of participation is formal or informal.

2- The type of participation: that is, the degree of effectiveness that achieves participation and requires its measurement over the last people who control power and setting the general policy of the state

E- Karl Marx: - Karl Marx considers that the political rights granted by the state to its employees are in reality nothing but the rights of the selfish individual who is isolated from other human beings, but it is the political revolution that overthrew and isolated the ruler that made individuals care about them and transformed the issue into a public issue and thus canceled the political characteristic that was supportive of the old civil society, i.e., feudal society and turned into a more democratic society. Hence the political functions became a concern of individuals. Karl Marx also referred to political participation through his talk about the political rights and privileges of Jews in the political life of the group to which they belong, such as the right to vote and the choice of persons nominated for political positions. These rights are a clear indication of political participation.

F - Samuel Huntington: He believes that political participation is an activity carried out by the citizen to influence the political decision-making process. That is, it aims to change the outputs of the political system in a way that is compatible with the demands of individuals who submit to political participation.

Fourth: Concepts related to the concept of political participation:

Many political concepts are related to this concept, and this is due to the overlapping of political elements and parts. Hence, a number of these concepts must be clarified (De Moor: 2017, pp. 179-197):

1- The concept of public opinion: This concept has great importance in democratic societies and is the basis of all political practices and the axis of all decisions and can be defined as general feelings that individuals form towards local events and issues and personalities at the local and external levels, and we find that there are three stages to form the public opinion so that it is influential and effective in the

process of forming public policy, and this appears clearly in democratic societies, and these stages are (the stage of formation - the stage of expression - the stage of direct influence).

As for the relationship of this concept with the concept of political participation, we find that political participation plays a vital role in elections and interest groups because elections are not just a mechanism for the selection of rulers by the people, but rather a prominent means of influencing public opinion without losing sight of its contribution to political participation and monitoring and public accountability of the authority.

2- The Political parties: It is an organized gathering of individuals to defend their opinions and interests and announce them to implement the reform program by participating in political life through complementary activities.

Or are those organizations that have a clear goal, which is to exercise a fixed influence on the formation of public opinion, and for this the achievement of this goal requires a steady organizational process and programs through the practice of voting, which is one of the important aspects of political parties to reach power and bring about the desired effect.

The Parties are supposed to provide institutional pathways and channels that allow citizens to participate in policy-making and influence decision-makers, but we find that the reaction of the ruling parties may differ concerning general demands related to political participation from one political system to another and even within the same system from one era to another.

3- The Political culture: It is a specific distribution related to the functions and characteristics of members of the state who have political trends and values and can also be defined as all that relates to the attitudes of individuals towards the political system and its associated sub-systems or different institutions and organizations, and Almond has indicated that there three basic elements by which to distinguish between the levels of the political culture in different policy systems are (the level of individual familiarity - the nature of feelings- feelings of evaluation). As for the relationship of this concept with the concept of political participation, the relationship between them can be clarified by studying the diversity of political cultures resulting from the diversity of political systems, where we find that the individual is characterized by negativity in traditional systems on the contrary in non-traditional systems

Fifth: The fundamentals of the concept of political participation.

To be able to describe a society as a participant in political life, it is necessary to know the extent to which they practice the aspects of democracy in terms of form and content, so it is not possible to consider a society or a state as a democracy or that individuals are active in their political participation without the availability of a set of basic conditions for practicing the democratic process, just as Democracy means participation, not just politics.

1- Elections: It is defined as a type of political participation process, as it is expressed in what is known as voting, and individuals choose between candidates for general or periodic elections.

The benefit of this process, as well as a political point of view, is ensuring the right to a peaceful transfer of power and ensuring that the ruling elites obtain a legal mandate from the people periodically and regularly through a free, fair, and fair electoral process that is guaranteed by the confidentiality and integrity of that electoral process.

The Sovereignty of the Law:-

It is the second ingredient for achieving democracy, which guarantees security and stability by achieving justice and equality for all under the law; it means that the ruler and the ruled are subject to the law originally enacted by the people's representatives and approved by the people's representatives in the process harmonic across representative frameworks that are often through the parliament elected by the people in the electoral process

2- Transparency: It is the third ingredient to be provided for democracy and political participation, which is ensuring the availability of an accountability and control mechanism by citizens for their elected representatives, by knowing their performance and how to measure them using the powers granted to them and the popular mandate granted to them. This process can only take place by ensuring that citizens are fully informed on the performance of the representatives through transparent means and ensure that they are provided with information periodically and systematically without any forgery, which requires opening parliament sessions to citizens to attend or broadcast them through the media or publishing minutes of sessions for citizens, It also requires that citizens be allowed to review the performance of their governments through their elected representatives by presenting questions and inquiries to ministers from members of the government.

3-The second requirement: Elections and electoral systems

Some evaluations indicate that more than a billion people in the world vote in competitive democratic elections to choose their governors and their representatives in policymaking and decision-making institutions. After the waves of democratic transformation that the world witnessed in the last two decades of the twentieth century, most countries of the world hold elections of some kind. However, only about half of the countries of the world are witnessing elections that are described as democratic and competitive, while the rest of the elections are not described by that, as rulers have developed tools and methods to manipulate the election process or the so-called "technology of manipulation" policy literature to achieve purposes other than those that hope for democratic elections, foremost among which is to obtain legitimacy in front of the masses and alleviate the pressures demanding reform and respect for human rights at home and abroad. In the Arab region, the elections held by some regimes did not lead to a single democratic transition, let alone a real democratic transition.

The use of elections and formal partisan pluralism has resulted in overtaking the traditional division of government systems (of democratic systems in their different models versus both authoritarian and totalitarian regimes in their different forms), and the emergence of many new forms of liquidation, the state of "pseudo-democracy" or "mixed systems" hybrid regimes "or semi-systems "Semi-democracy" or "electoral authoritarianism" or "authoritarianism competitive."

The electoral system of any country is the result of its historical, economic, political, and social conditions, and therefore the optimal system for a country is not necessarily the optimal system for another country.

The electoral systems may represent the best means of expressing criteria governing the nature of political competition, but they cannot be the panacea for all political ills that a country suffers from, and influences resulting from other factors often have their strongest implications for the progress of the democratic system, especially those related to culture the prevailing in every country, more than procedural elements such as the electoral system, and may derail all the benefits emanating from any electoral system, no matter how much attention is designed, because of inappropriate constitutional measures, or the dominance of forces that deepen internal discord, or the size of external threats that affect the sovereignty and integrity of the country.

International thought clarifies this through the resolutions issued by the United Nations General Assembly, saying, "There is no single political system or one electoral method that is equally appropriate for all countries and their peoples, and that the efforts of the international community to promote the implementation of the principle of periodic and sincere elections must not raise doubts about the right of the sovereignty of every country." According to the will of its people, to freely choose and develop its political, social, economic, and cultural systems, whether they are in line with the priorities of other countries or not, as another decision goes to say that political systems and processes.

The elections are subject to historical, political, cultural, and religious considerations. However, it is worth noting that a specific electoral system doesn't need to lead to the same results, depending on the country in which it is applied. Despite shared experiences, the effects of an electoral system depend, to a large extent,

Utopía y Praxis Latinoamericana; ISSN 1316-5216; ISSN-e 2477-9555
Año 26 n.º extra interlocuciones 2, 2021, pp. 270-285
277

on the existing socio-political situation and the pattern of democracy (established, transitional or new). And the existence of a system of parties in a state of formation and under formation, the number of parties (seriousness), and the geographical concentration of voters of a particular party or their dispersal.

Consequently, the choice and implementation of an electoral system have a direct impact on the political rights related to it. Majority systems tend to favor two parties, and they provide stability over bargaining in representation, and proportional representation systems aim to allocate seats for political parties commensurate with their electoral strength, yet they may encourage an increase in the number of parties and require voting based on party lists, and thus the spacing between the voter and the candidate, And it limits opportunities to nominate non-party individuals.

The Electoral Systems:

In all electoral systems, two interests sometimes agree and contradict each other, the first is (electoral justice), and that is the necessity of converting the votes that each party obtains into the corresponding seats in the elected council. The other interest is what may be called (the necessities of political reality), and that is the necessity of converting the votes that each party obtains into the corresponding seats in the elected council.

By this, we mean the political, social, and even security and economic necessities imposed by the nature of the composition of the elected council in observance of several aspects when the legislator puts the law and the electoral system in place, and the consequent prejudice to the rule of electoral justice and the rule of this rule in many cases, as an example of that which leads to taking the quota reserved for women (women's quota), giving a reserved quota to women and the result - sometimes - that some female candidates win the parliamentary seat with very few votes compared to their male colleagues, is considered a case that contradicts the principle of electoral justice, but the corresponding interest represented in the necessity of granting Women have a special status that helps them reach the elected council. This interest is superior to other interests, particularly the principle of electoral justice. It is part of the positive discrimination of women.

The same applies to the methods and mechanisms for distributing seats to the winning parties- especially in the second stage of the distribution and by that we mean the distribution of vacant seats, there is a subsidiary interest that is sometimes the desire of the legislator to use distribution methods that lead to reducing the number of parties represented within the elected council on the pretext that this leads to Increasing the effectiveness of the council and forming a strong government, in addition to the ease of making decisions within the elected council, and this may also lead the parties to unite and coalition with each other, while other electoral laws tend to use distribution methods that lead to favoring small parties in a manner that leads to an increase in the parties represented in the elected council , on the pretext of the importance of the representation of small parties and minorities, according to the requirements of the political situation and the stage in which a country passes at a time.

According to this, the research deals with the methods of distributing seats (in the proportional representation system) in the form of the elected council, the extent to which these methods respond to the issue of increasing or decreasing the number of parties represented in the elected council, and the extent to which these methods approach or move away from the concept of (electoral justice).

In this research, we will discuss the explanation and clarification of the most important of these methods with hypothetical examples for each method, then we conclude with a realistic example drawn from the 2009 provincial council elections, according to the following plan: The proportional representation system is based on the principle that each party obtains several seats commensurate with the number of votes obtained by that party in the elections, and the greater the proportionality, the closer it is to the principle of electoral justice, and vice versa. The distribution of seats in proportional representation is divided into two stages: The first stage is the distribution of seats based on the electoral divider.

As for the second stage, there are many ways to distribute vacant seats, and in this field, most of our research will be based on this.

The first branch: Electoral systems

First: the first stage
   1- Distribution of seats according to (the electoral divider).
   2- Distribution of seats according to (unified number).
   3- Distribution of seats according to (the national laboratory).
   First: electoral justice and the imperatives of political reality:
   There are several ways to distribute seats in the first stage of the distribution. We will address three of these methods, but focusing on the electoral denominator method as the most common method used in Iraq.
   Method of the strongest rate in the distribution of the remaining seats for the 230 seats allocated to the electoral districts, while the compensatory seats, which number 45 seats, are distributed based on the national average, which is extracted by dividing the total number of valid votes in Iraq by the number of seats in the House of Representatives.

1- Distribution of seats according to (Electoral denominator):
   This method is based on dividing the number of valid votes cast in the electoral district by the number of seats allocated to that district to extract the electoral divider, after which the votes obtained by each entity are divided by the electoral divider, and the result (the correct number only) represents the number of seats that are The entity deserves it at this stage, and the mathematical equations for this stage are as follows (Salman: 2018, pp. 72-73):

$$Electoral\ denominator = \frac{The\ valid\ votes\ for\ electors\ in\ the\ district}{The\ number\ of\ seats\ assigned\ to\ the\ district} \qquad (1)$$

$$Number\ of\ seats\ for\ each\ party\ (first\ stage) = \frac{The\ number\ of\ votes\ obtained\ by\ the\ party}{Electoral\ denominator} \qquad (2)$$

   We will present an example of the distribution of seats in table 1, and this example will accompany us in all subsequent paragraphs, and we will conclude the research with a real example representing the results of the 2009 provincial council elections.
   Example:
   A district consisting of (5) seats.
   The number of valid votes cast: 75,000.
   Number of competing parties: (4)
   Electoral denominator = the number of valid votes for voters in a district (75,000) divided by the number of seats assigned to the district (5).
   = 15,000 votes.

Table 1. distribution of seats

Party's name	The number of votes obtained by the party	Electoral denominator	The number of party votes is divided by the electoral denominator	Number of party seats (first stage)	The rest of the votes for the party
A	35.000		2.333	2	5.000
B	21.000		1.4	1	6.000
C	11.000		0.733	0	11.000
D	8.000	15.000	0.533	0	8.000
Total	75.000	The total number of seats distributed in the first stage		Three seats	30.000 votes

Utopía y Praxis Latinoamericana; ISSN 1316-5216; ISSN-e 2477-9555
Año 26 n.º extra interlocuciones 2, 2021, pp. 270-285
279

Under this method, the second stage of distribution must be done to distribute (vacant seats), that is, seats that were not distributed in the first stage (the number in the previous example is two seats).

2. Distribution of seats according to the method (standard number):

The unified number is a fixed number determined by the law and represents the number of votes that must be obtained in the electoral district to obtain a seat, and each party gets votes equivalent to this number or its multiples, gets several seats equivalent to the unified number or its multiples, either the remaining votes and the distribution of vacant seats The distribution according to the methods that we will address later, if we assume that the unified number is (20,000) votes for the electoral seat, then the results of the previous example will be as follows in Table 2 (Byman & Pollack: 2003, pp. 119-136):

Table 2. distribution of seats for 20000 votes

Party's name	The number of votes obtained by the party	Electoral denominator	The number of party votes is divided by the electoral denominator	Number of party seats (first stage)	The rest of the votes for the party
A	35.000		1.75	1	15.000
B	21.000	20.000	1.05	1	1.000
C	11.000		0.550	0	11.000
D	8.000		0.4	0	8.000
Total	75.000	The total number of seats distributed in the first stage		Two seats	30.000 votes

3- Distribution of seats according to the method (national coefficient):

This method is summarized by specifying a number called (the national coefficient), which is a (national electoral denominator), and the national laboratory is obtained by dividing the total number of valid votes expressed at the national level by the number of all parliamentary seats to be filled at the country level (and that The country was divided into several electoral districts.

$$\text{The national coefficient} = \frac{\text{The sum of valid votes nationwide}}{\text{The number of seats to be filled at the country level}}$$

To know the entitlement of each party from the parliamentary seats at the level of each electoral district, the number of votes obtained by the party in the district is divided by the national coefficient to determine the number of seats that it deserves, so the party deserves seats as much as the national coefficient or its multiples.

$$\text{Number of party seats (in the district)} = \frac{\text{The sum of the valid votes for the party at the district level}}{\text{The national coefficient}}$$

But if the party still has no votes, it will not be used in the first stage of the distribution (the distribution of seats at the district level), then a collection is made the rest of the party's votes in all the country's electoral districts, After that, the sum of these remnants is divided by the national coefficient to obtain several seats equivalent to the national coefficient or its multiples. The seats are called the party obtains in the second stage seats at the national level.

After the end of the first stage of the distribution of seats (Which is often done based on the electoral denominator method), several seats remain unallocated, and this is what has been termed "vacant seats." As we have noted in the previous example, a significant number of seats remain theoretical for the second stage of the distribution (two of five seats according to the method of the electoral denominator, Three of the five seats according to the standard number method), in the 2009 provincial council elections for the Baghdad governorate, (40) seats were distributed in the first stage, and (15) seats remained pending distribution under the second stage, and as a result of the importance of this stage in elections for all countries of the world, and given the multiplicity of desires (Alkateshi: 2019).

Its a difference in how seats are distributed at this stage and in what direction this distribution goes, many methods and mechanisms have been devised for distributing vacant seats.

The truth is that some of these methods were driven by the principle of electoral justice, while some other methods were intended to serve this political trend or to favor another political trend.

We will address in the coming paragraphs the most important of these methods and the results obtained from their followers, and we try to analyze these results from the electoral point of view, all of this combined with hypothetical examples, then we apply these methods to the results of the Baghdad governorate for the 2009 provincial council elections.

1- Distribution of vacant seats based on the (stronger remain) method

The calculations of seats according to this method are summarized as follows:

1: Dividing the number of party votes by the electoral denominator, and the result of division (the valid number only) represents the number of seats the party obtains from the first stage seats, as it appears at this stage the number of seats that remained and were not distributed at this stage pending the second distribution stage.

2: Multiplying the number of seats for the first stage for each party in the electoral denominator, then subtracting the result from the total number of party votes, so we get the remaining of the votes for each party, which is what we call (the remainder of the votes).

3: Arranging the remainder of the votes for all parties in descending order from the highest to the lowest, and granting the seats that remain from the first distribution stage to the party that got the first strongest remainder, then to the party that received the second-largest remaining, and so on until the seats that remain from the first stage of distribution are finished.

4: Add the number of seats obtained by the party from the first stage, plus the number of seats won by the party through (the remaining is stronger) to obtain the final number of seats.

For each party, the following example illustrates the mechanisms and steps for calculating seats by the (stronger rest) method in Table 3 (Robinson: 2019, p. 162).

Utopía y Praxis Latinoamericana; ISSN 1316-5216; ISSN-e 2477-9555
Año 26 n.º extra interlocuciones 2, 2021, pp. 270-285
281

Table 3. mechanisms and steps for calculating seats.

Party's name	The number of votes obtained by the party	Electoral denominator	The number of party votes is divided by the electoral denominator	Number of party seats (first stage)	The remain of votes for the party	Number of seats (second stage)	Total party seats
A	35.000		2.333	2	5.000	0	2
B	21.000	15.000	1.4	1	6.000	0	1
C	11.000		0.733	0	11.000	1	1
D	8.000		0.533	0	8.000	1	1
Total	75.000	The total number of seats distributed in the first stage		Two seats	The total number of seats distributed in the two stages		5

DISCUSSION

It can be seen from this method:

1: The big parties (A, B) got their seats through the first stage only and did not get any seats through the second stage (the stronger remain), which means that this method is not in the interest of the big parties.

2: The small parties (c, d) (which did not reach the electoral denominator) obtained their seats through (the stronger remain) despite not having any seat in the first stage, which means that this method tends in favor of the smaller parties.

3: A small party (D) reached the elected assembly, although it did not come close to the electoral denominator but rather achieved several votes equivalent to nearly half of the electoral denominator.

4: As a result, a small party, Party (D), won a seat with several votes of (8000) votes, while a large party, Party (B), got only one seat even though the number of (its votes is 21,000) votes, which is equivalent to more It is two and a half times what the Little Party D got.

From all of the above, we conclude that this method is not a (fair) method, as many politicians and the media now hesitate, but even judicial institutions and researchers in the electoral issue. It is only a method that compliments small parties at the expense of large parties and allows small parties to reach The elected council, but not through (electoral justice), which many now envision is this method that it represents, and this is what drives us to search in other ways to reach a more just way

5- Distribution of vacant seats according to the method (Saint Lego):

This method was invented in 1910, and its first image was applied in Norway and Sweden in 1915. And it is similar to the (Hundt) method in terms of mathematical steps by dividing the number of party votes by specific numbers, but it differs from the (Hundt) method in that the division was by the numbers (9,7,5,3,1, ...) instead of the numbers (5,4,3,2,1) used in the (Hondt method), the results obtained from this method are largely representative of the results obtained from the application The method (the rest is stronger), and when applying this method to the previous results, the distribution of seats will be as in the following table 4 (Dawisha & Diamond: 2006, pp. 89-103):

Table 4. The distribution of seats

Party's name	The number of votes obtained by the party	Dividing on (1)	Dividing on (3)	Dividing on (5)	Dividing on (7)	Dividing on (9)	Total party seats
A	35.000	35.000	11.666	7.000	5.000	3.888	2
B	21.000	21.000	7.000	4.200	3.000	2.333	1
C	11.000	11.000	3.666	2.200	1.571	1.222	1
D	8.000	8.000	2.666	1.600	1.142	888	1
Total	75.000				Total seats		5

Given the results of this method, which approximates the results of the method (the stronger remain), which we have noted that it improves the opportunities of small parties at the expense of large parties, the countries that implement (Saint Lego) tended to amend it to make it closer to (electoral justice) by reducing the severity of its courtesy to small parties With few seats, at the expense of the larger parties, a method (the moderate St. Lego) was developed, which differentiates from the original way that the party's votes are divided into numbers (9,7,5,3,1,4, ...). The method is currently in New Zealand, Norway, Sweden, and Bosnia, and we will see how the results change (Hanish: 2011, pp. 126-131).

Table 5. The distribution of seats

Party's name	The number of votes obtained by the party	Dividing on (1.4)	Dividing on (3)	Dividing on (5)	Dividing on (7)	Dividing on (9)	Total party seats
A	35.000	35.000	11.666	7.000	5.000	3.888	2 or 3
B	21.000	21.000	7.000	4.200	3.000	2.333	1 or 2
C	11.000	11.000	3.666	2.200	1.571	1.222	1
D	8.000	8.000	2.666	1.600	1.142	888	0
Total	75.000				Total seats		5

Table analysis

It turns out, when applying the modified St. Lego method, that the results become more proportional, and approach the results of the method (the strongest rate) where the major party (A) will get two seats, the large party (B) on a seat, and party (C) on a seat and the seat remains The fifth is contested by the two parties (A-B)

to equalize the numbers, and this can be decided by lot or any other way, but it is clear that this seat will go to one of the two major parties, and that the small party (D) will not get any seat unlike the method of Saint The original Lego.

The analysis of the results

Throughout the previous example, we see that this method leads to the distribution of all seats to the parties that crossed the electoral denominator, and not to allow the parties that did not obtain that denominator, and this clearly shows that this method was prepared for the benefit of the major parties, and its results include reducing the number of parties in the elected council or pushing these parties to form broad coalitions, just as it is evident that this method is unfriendly towards the smaller parties. In the previous example, small parties (C, D) did not get any seats because large parties (A-B) took all the seats (Dawisha: 2013).

In Iraq, there is an applied discount rate, not as a numerical number that represents a percentage, but rather a several votes that vary from one election to another and from an electoral constituency to another, as the requirement of the provincial council and house election laws crossing the electoral divide as a condition for representation in the elected council represents a percentage the amount of the electoral component is deducted, and this means that the Iraqi electoral system applies a discount rate, which is the (electoral denominator). Otherwise, the party cannot obtain any parliamentary seat. Even if the parties that crossed the electoral denominator gained additional seats with far fewer votes than the parties that were denied representation, they did not obtain the electoral denominator (the percentage of the deduction).

The electoral systems and the applied reality in the provincial council elections

We took in this example the results of the Baghdad Provincial Council elections in the 2009 elections and did not resort to the 2014 elections due to the lack of accurate statistical information and the presence of quasi-fraud in the elections, and we applied different rates of discount are (1.5%, 5%, 10%), noting that the discount rate will determine the number of parties that will share all the seats in the elected council as Table 6 (Al-Tamimi & Grisham: 2013, pp. 233-249).

Note: An example deals only with parties that won and won seats in the previous elections.

Table 6. Results of the Baghdad Provincial Council elections in the 2009 elections.

No.	Place's name	No. of party's votes	the percentage of the deduction 1.5%	the percentage of the deduction 5%	the percentage of the deduction 10%
1	State of Law Coalition	641925	Winner	Winner	Winner
2	Compatibility	153219	Winner	Winner	Failure
3	Independent Liberal Stream	151093	Winner	Winner	Failure
4	National Iraqi List	148,133	Winner	Winner	Failure
5	Iraqi National Project gathered	113787	Winner	Winner	Failure
6	List of Shahid Al-mihrab and independent powers	9759	Winner	Winner	Failure
7	National Reform Stream / Dr. Al-Jaafari	71663	Winner	Failure	Failure
8	List example of Alusi of the Iraqi nation	26684	Winner	Failure	Failure

CONCLUSION

First: The political reality of any country casts a shadow over the concept of electoral justice.

Second: The modified rate of the stronger rate and St. Lego is the closest to the concept of electoral justice, and it is the method that reduces the waste in the votes of the voters.

Third: The necessity of a mechanism to reduce the number of competing parties in the local and national elected councils and not by following numerical means that lead to this but rather through legal and political

means such as the methods leading to the formation of coalitions, which in turn reduces the competing parties represented in the elected councils in addition to being a broad spectrum of The components of the Iraqi people are in one political entity, a goal that must be pursued by the political and legal movement.

Fourth: Iraq adopts the proportional representation system in the local and legislative elections, and despite the system's association with achieving justice in representing the components of the Iraqi people, it does not lead to the formation of strong political entities that enjoy the majority informing local and national governments.

BIBLIOGRAPHY

ALKATESHI, AFM (2019). *"Electoral mobilization and voter turnout in post-authoritarian countries: the case of parliamentary elections in Iraq (2005-2018)* (Doctoral dissertation, Rutgers University-School of Graduate Studies)".

AL-TMIMI, RS, & GRISHAM, KE (2013). "Elections as a tool for political participation in Iraq". *International Journal of Contemporary Iraqi Studies*, *7*(3), pp. 233-249.

BYMAN, DL, & POLLACK, KM (2003). "Democracy in Iraq?". *The Washington Quarterly*, *26*(3), pp. 119-136.

CHEET, BNEDM, & AWAD, ALMM (2018). "The system of parliamentary elections in Iraq and its impact on political freedom". *Basra studies journal*, *30*.

DAWISHA, A, & DIAMOND, L (2006). "Electoral Systems Today: Iraq's Year of Voting Dangerously". *Journal of Democracy*, *17*(2), pp. 89-103.

DAWISHA, A (2013). "*Iraq: A political history*". Princeton University Press.

DAWISHA, A (2005). "The prospects for democracy in Iraq: Challenges and opportunities". *Third World Quarterly*, *26*(4-5), pp. 723-737.

DE MOOR, J (2017). "Lifestyle politics and the concept of political participation". *Acta Politica*, *52*(2), pp. 179-197.

DIAMOND, L, & PLATTNER, M (2006). "*Electoral systems and democracy*". JHU Press.

HANISH, SB (2011). "The Post 2003 Iraqi Electoral Laws: A Comparison and An Assessment". *International Journal of the Humanities and Social Science*, *1*(17), pp. 126-131.

MOHAMED, AE (2018). "Turnout in transitional elections: Who votes in Iraq?". *The Journal of the Middle East and Africa*, *9*(2), pp. 153-171.

ROBINSON, L (2019). "Winning the Peace in Iraq: Don't Give up on Baghdad's Fragile Democracy". *Foreign Aff.*, *98*, p. 162.

SALMAN, MI (2018). "The Democracy in Iraq, the reality and possibilities of Future". *Journal of International Studies*, pp. 72-73.

BIODATA

A.G. HAMZAH: Dr. Asaad Ghali Hamzah educated at Ministry of Higher Education And Scientific Research, Al-Mustqbal College University, Department of Law, Iraq. He is an employee of the law field at al Mustaqbal: Hillah, Iraq babel, IQ. His research interest is Law and the country's legal system.

Education Degree : -

- ❖ Doctorates on Political Science Institution The Arab League , Egypt 2010 .
- ❖ Master's Degree in Political Science Institution: The Arab League, Egypt 2006 .
- ❖ Bachelors Degree in Political Science (major) and Public Administration (minor)Institution: Jordan University , Jordan 1996

Employment History

- ❖ Lecturer in department of law , at Al – Mustqbal University college, 2017 .
- ❖ Lecturer in department of law , at Qadisiya University 2006 - 2016
- ❖ Director of the Research and Studies Unit for Human Rights , Al-Qadisiya University / college of law , 2015 .
- ❖ Secretary of the College's Council , Al-Qadisiya University / college of law , 2006 .
- ❖ Administrative and Financial Assistant, UN/ World Food Program , 2005 .