

Afghan Loya Jirga: Too Much Interference, Little Achieved

by Ramtanu Maitra

The much-awaited Afghan Loya Jirga was projected as an opportunity to bind many wounds that continue to affect the country. Instead, the grand council, where the elected Afghan elders are invited to express their views on statecraft, was used as a rubber stamp to back the candidate chosen by Washington, the Afghan Interim Chairman, Hamid Karzai, as President. The assembly, which began on June 11 and finally adjourned on June 20, left most delegates in despair and anger. Coming months will show the damage that the wrecking of this historic occasion did to the country.

Blame for this missed opportunity lies squarely on the Western nations, and more precisely on President Bush's Adviser on Afghanistan, Zalmay Khalilzad, and his partner in manipulation, UN envoy Lakhdar Brahimi. While the West's worries over the outcome of the Loya Jirga are understandable, what is astounding is how insensitive were their envoys and the shortsightedness of their outlook.

The failure to conduct a council which would satisfy the Afghan delegates will resonate at length, because the Loya Jirga seemed, to many, a beacon of hope at this time of great turmoil in Afghanistan, and a link to the nation's past when it was not identified as a nest of terrorists and a land of poppy fields, but as a nation known for its fiercely independent people.

Centuries' Old Tradition

For centuries, leaders in Afghanistan have convened grand councils (see box) to choose new kings, adopt constitutions, and decide important political matters and disputes. *Loya Jirgas* have traditionally been made up of tribal leaders and other elders—almost all men—sent to Kabul by local *shuras* (village-level councils). This semi-democratic process has been relatively representative of Afghanistan's population in the past. Loya Jirgas have involved representatives

from almost all of Afghanistan's major ethnic and religious groups.

The current Loya Jirga process was set in motion by the Bonn Agreement of Dec. 5, 2001, which created an interim administration of Afghanistan under Hamid Karzai (a Pashtun), and a timetable for setting up a future, elected government. A Special Independent Commission for the Convening of Loya Jirga, required by the Bonn Agreement, was appointed in January. Its task was to establish rules and procedures for the council, to define a process for the selection of delegates, and to ensure the adequate representation of women, minorities, scholars, and civil society groups.

At the time, it was decided that the Loya Jirga delegates would not only pick the leader of the country for the next 18 months, but would also select the major Cabinet ministers and participate in the process of selecting the legislators for the Afghan Parliament. It was decided in Bonn that the day-to-day running of the country would be the responsibility of a chairman and his deputies, and that the Loya Jirga would be inaugurated by ex-King Zahir Shah, 87, who returned to Afghanistan in April, after 29 years in a self-imposed exile in Rome.

Selection of the Loya Jirga delegates began on April 15. There were several stages to the process. First, at the district and municipal level, traditional leadership councils (*shuras*) met to pick electors, who would later cast ballots for the delegates. Each district and municipality chose a predetermined number of electors, based on its population. Regional observer teams delivered the chosen names to the Regional Observation Centers, of which there are eight. At the end of the selection in May, there were 1,501 delegates picked.

These delegates, and some others chosen, arrived at Kabul on June 11 for what was planned as a five-day emergency Loya Jirga.

How the Council Plan Was Undercut

Long before the council convened in Kabul, inside manipulation had begun, to make the Loya Jirga a “smooth process” and in essence, to undermine the delegates’ powers. The main players in undercutting the process were two—Zalmay Khalilzad, and Lakhdar Brahimi. The third person playing along, was none other than Afghan Interim Chairman Hamid Karzai. Karzai was tasked at Bonn to make arrangements for the Loya Jirga after six months.

Zalmay Khalilzad, an Afghan-American of Pashtun ethnic origin, is close to powerful members of the Bush Administration. He is a University of Chicago graduate, who taught political science at New York’s Columbia University and worked with former National Security Council Adviser Zbigniew Brzezinski. He had also worked for years with Paul Wolfowitz—now Deputy Secretary of Defense—when the two were on the State Department’s Policy Planning Council.

Following a short stint teaching in California and working at the Rand Corp., Khalilzad returned to Washington to work as Assistant Deputy Secretary of Defense Policy Planning in the elder Bush’s administration. At the time, he came to know then-Secretary of Defense Dick Cheney very well, as the latter was preparing for the Gulf War. Following the 2000 election, Cheney, now Vice President-elect, appointed Khalilzad to head Bush’s transition team for defense issues. In May 2001, President Bush appointed Khalilzad as the chief National Security Council official dealing with the Persian Gulf and Central Asia. In this capacity, Khalilzad works closely with National Security Adviser Condoleezza Rice.

With such heady connections to the highest levels in the United States, it would be surprising if Khalilzad had been non-interfering, respectful, and accommodating. In fact, Khalilzad acted like British viceroys used to act in the colonies.

By contrast, Karzai is a virtual non-entity in the Afghan hierarchy. He is simply not in the same league with Khalilzad. Moreover, Karzai realized that his political success and survival depend heavily on Washington, and went along with Khalilzad, knowing full well the difficulties this would engender.

On the other hand, Algerian diplomat Brahimi is a quintessential “manager.” He was in Afghanistan prior to 1999, and was reappointed by UN Secretary General Kofi Annan in the first week of October 2001. In an interview with U.S. Public Broadcasting System news anchor Robert McNeill, following his reappointment, Brahimi replied to the question: “Are you the cook” to set up an interim government in Afghanistan? “I am whatever you want me to be,” he said. “What is terribly important is that all those who are interested, all



Afghanistan’s long-awaited Loya Jirga, manipulated by the U.S. and UN, changed nothing. The formal approval and (here) inauguration of Hamid Karzai as President, was all the grand council could accomplish. Trouble looms for Karzai’s regime.

those who have an interest, all those who have influence, should coordinate their activities.” But, Brahimi added, American support is the key.

Soon after Karzai’s takeover as chairman of the interim government, Khalilzad and Brahimi joined together to find ways to formulate the next Afghan government, to stay in power for 18 months and pave the way for general elections and the writing of a new Constitution. At the time, both Brahimi and Khalilzad were promoting the ex-monarch Zahir Shah as the next Afghan leader.

What happened subsequently, to cause the duo to switch to Karzai, is not fully clear. They found out that the aggressive Northern Alliance leaders—particularly Uzbek warlord Abdur Rashid Dostum (Deputy Defense Minister), and Tajik warlord Gen. Mohammad Qassiem Fahim (Deputy Defense Minister)—would not tolerate the aged Shah as head of state.

Contradictions Play Out

It is likely that both Khalilzad and Brahimi ran into a brick wall. They found out that the ex-monarch, though supported by a large number of members in the majority Pashtun ethnic group, is strongly opposed by the Northern Alliance leaders. Most Northern Alliance leaders are Tajiks, Uzbeks, Hazaras, Farsiwans, Nuristanis, and so forth. Moreover, the political head of the Northern Alliance and former Afghanistan President Burhanuddin Rabbani, is a Tajik who played a key role in the ouster of King Zahir Shah in 1973. Also not to be underestimated is the Iranian disinterest, if not outright dislike, in seeing Zahir Shah back in the saddle, possibly working toward re-establishing the monarchy.

These contradictions could not be ignored. The United States and its allies had removed the Pashtun-dominated Taliban, using the Northern Alliance, consisting mostly of non-Pashtuns, and dominating what is known as the Afghan army

today. Karzai's interim Cabinet is loaded with Northern Alliance leaders, many of them warlords. In addition, the United States and the United Nations are keen to show the world that they are managing the Afghan scene well. They point out that the Taliban have been removed, that al-Qaeda and Osama bin Laden are on the run, and that Afghans are receptive of the new arrangement brought forth by the United States. Kalilzad and Brahimi saw that an open brawl at the Loya Jirga, between Pashtuns and minorities, would badly tarnish Washington's image.

The objective, then, was to persuade Zahir Shah to give up his immediate ambitions. That achieved, Rabbani was less of a problem to the appointment of Karzai, a Pashtun, as the head of the transition government. But some problems got worse. While the appointment of Karzai gave the Pashtuns rightful representation at the top, what happens to the Cabinet? Rabbani and the rest of the Northern Alliance made it clear that they gave up the top post so that the key ministerial positions, such as Defense, Foreign, and Interior, would remain—as they have been—with the Northern Alliance leaders. Although there are reports that General Fahim is willing to give up his Defense Minister's job, it is not clear what he wants in return.

During the Loya Jirga, a large number of Pashtun delegates complained that the Northern Alliance leaders were twisting their arms to follow the line laid down by the Khalilzad-Brahimi-Karzai trio. Karzai, in order to appease the

Pashtuns, in his inauguration speech, spoke of removing the "warlordism" from Afghanistan. But he knows that the Khalilzad-Brahimi duo does not want General Fahim and General Dostum out of the Cabinet. If these two are pushed out because they are warlords, one can be sure another ethnic war in Afghanistan will start.

The problems multiplied, because the key ministerial positions, and elections to the Parliament, require endorsement of the Loya Jirga delegates. Over Parliament, there exists a gulf of difference between the Pashtuns and the non-Pashtuns. While the Northern Alliance pushed for an equal representation from each province, the Pashtuns demanded equal representation by district or by population. Either of the last two formulations will see a much larger number of Pashtuns in the Parliament.

The result was failure. Karzai even tried to push through the concept that he would pick the Cabinet with no Loya Jirga endorsement required. This created clashes within the Council, and Khalilzad quickly renounced Karzai's views, making clear that the major Cabinet ministers do require endorsement of the assembly. Even Zahir Shah has positioned himself away from Karzai now, and his men were telling the Loya Jirga that he will make efforts later to take over the Afghan leadership. Rabbani, the other heavyweight, has made no conciliatory gesture. It is likely that Karzai will have to depend more on the "foreigners" to run Afghanistan during the next 18 months. That could mean serious trouble.

The Loya Jirga's History

The Pashto phrase *loya jirga* means "grand council," a centuries-old institution similar to the Islamic *shura*, or consultative assembly. The Loya Jirga is an Afghan tradition with an august, but vague history, arising from the tribal word *jirga*, or *shura*. *Shura*, from the Arabic *mashwara* ("to discuss") is best translated from contemporary Dari (the language spoken in Kabul) as a council or committee, while *jirga* derives from the Turkish for "circle." In some Islamic religious thought, the *shura* is considered the ideal model for governance, and many Islamic governments have used the nomenclature for a variety of institutions. Thus, *shura* and *jirga*, concepts as old as Islam itself, carry meanings and associations for most of Afghanistan's inhabitants.

The Loya Jirga is intended to be a national manifestation of community decision-making. It was first employed at the birth of modern Afghanistan, in 1747, when a tribal Loya Jirga in Kandahar selected Ahmad Shah Durrani to rule over the lands newly wrested from the Safavid Empire

to the west, and the Moghul Empire to the east. Since then, a Loya Jirga had been held, on average, every 20 years, to confirm the succession of monarchs, to pass constitutions, and to approve government policy—for example, neutrality during World Wars I and II.

The Loya Jirga held in 1964 approved a reformist constitution, supported by Zahir Shah, then Afghanistan's monarch. This increased popular sovereignty and civil rights, and reduced the role of the monarch and the royal family in the everyday workings of government.

In the present, emergency Loya Jirga, about 1,500 delegates from all over Afghanistan have taken part in Kabul. More than 1,000 were elected in a two-stage process. Each district elected 20 people, who then held a secret ballot to select one to represent the whole district. Each of the country's 362 districts has at least one seat, with further seats allotted for every 22,000 people.

No group is excluded from the assembly, but anyone alleged to have committed acts of terrorism or suspected of involvement in drugs, human rights abuses, war crimes, plunder, or theft of public property, is barred from attending. A total of 160 seats have been given to women, the first Loya Jirga where women have been represented.