

Anders Fänge

The Emergency Loya Jirga

Hopes and Disappointments

May 2002. The inner grounds of the Sina Sports Stadium in Mazar-e-Sharif were covered by tents; hundreds of people walked around and stood talking in groups. It was the second stage of the preparations for the Emergency Loya Jirga, and representatives from the districts in the northern provinces were about to elect the delegates for the Loya Jirga that was to take place in Kabul in June 2002. The Jowzjan tent was packed with people; nervous laughter, mumbling conversations and excitement filled the air; I stood behind the group of three officials, one from United Nations Assistance Mission in Afghanistan (UNAMA) and two from the Emergency Loya Jirga Commission, who were counting the votes.

General Rashid Dostum sat opposite the group surrounded by an entourage of four men and three women. His sign on the ballot was a sun, and at the beginning of the counting, when he was behind a few other candidates, his face was pale. He stared at the paper where the votes were dotted down and did not answer when one of his companions spoke to him. After a while though, when his line of votes moved ahead and went well in front of the other candidates, he relaxed, his face returned to its normal ruddy colour, and he started to joke with the ladies sitting next to him. In the end, he received the highest number of votes; applause followed, and people moved forward through the crowded tent to congratulate him.

The outcome had been pretty evident, although it is not known to what extent it depended on vote buying, bullying and other murky methods aimed

at convincing the district representatives to vote for Dostum. Presumably, he didn't need to do much of that, since he undoubtedly enjoyed a huge popularity among the Uzbeks of Jowzjan province. In any case, seeing Dostum's reaction and his pale face at the beginning of the counting, I couldn't help reflecting that this was most probably his first ever experience of anything similar to a democratic process, where, in a situation with a secret ballot and an open count, he couldn't be absolutely certain that he would come out as a winner.

1. PREPARING FOR THE LOYA JIRGA

It was after 9/11, the US intervention and the Taliban collapse in the autumn of 2001, that the victorious parties met in Bonn and concurred on what became known as the Bonn Agreement¹. It laid down a political process over several years that officially aimed at achieving political stability, democracy and development in Afghanistan. The Emergency Loya Jirga (ELJ) was the second major step in this process – after the setting up of the Interim Authority in December 2001 with Hamid Karzai as chairman and before the Constitutional Loya Jirga (CLJ) and the elections for president and parliament.

¹ Officially titled, Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions.

An ELJ Commission with 21 members was formed in January 2002, supported by a secretariat composed of staff from UNAMA, and tasked with preparing the Loya Jirga, which was to have 1,501 delegates, including 160 women. Slightly more than two thirds of the delegates were to be selected in a two-stage semi-democratic process while the rest – representing groups like intellectuals, *ulema* (religious leaders), women, religious minorities and traders – were to be appointed by the ELJ Commission.

The first stage was to select between 20 and 60 delegates (depending on estimated population sizes in the districts) from among gatherings of representatives for the different population groups in each of the country's 381 districts. They were then to attend the second stage of the process – one of eight regional meetings – where the delegates to the actual Loya Jirga were to be elected through a secret ballot procedure.

It was not an easy undertaking. The country was ravaged by more than 20 years of war; state institutions were practically non-existent; the physical infrastructure was in ruins; and politics were characterised by fragmentation and tensions between different ethnic groups and armed factions – mainly symbolised by the end of the traditional Pashtun dominance and its replacement by the Panjshiri Tajiks who had been carried into power on the shoulders of the US intervention. There was an obvious risk that the process could be severely disrupted by unjustifiable attempts to influence the outcome. In addition, the decisive military and political factor in the country was the US, which saw Afghanistan as a key pawn in its global 'war against terror'. In other words, the US saw its engagement in Afghanistan in the light of its own interest and not that of the Afghan people.

Still, the first two stages of the process went unexpectedly well. Many district meetings were attended by large crowds of people; the largest (in the whole country) was in Rustaq, Takhar, where roughly 6,000 participated. Some local and regional leaders attempted to manipulate the results. In some cases they succeeded, while in others they were, to some extent, countered by the presence of ELJ Commission and UNAMA staff as well as international observers. In addition, the selection of candidates was probably a reflection of the fact that, in the wake of the Taleban collapse, many commanders, as well as others who had opposed the Taleban during their reign, enjoyed considerable popular support – especially in the non-Pashto regions of the country.

2. KEY DECISIONS

The third stage of the process was the ELJ itself. In the days preceding the start of the meeting, several high-level decisions were made that were to cast a shadow over the proceedings. First, a proposal to invite the Taleban to the Loya Jirga was floated within UNAMA and possibly also discussed with other primary actors. The reasoning was simply that, in order to achieve a sustainable peace, the participation of Taleban might prove useful. However, it was rejected as unrealistic.

Another issue was the possibility that a majority of the ELJ delegates would prefer the old former king, Zahir Shah, who had returned from exile in April 2002, as the head of state. This was seen as highly contentious by the Panjshiri, who were the most powerful faction in the interim authority and who regarded the former king as a symbol for the traditional Pashtun dominated state. The problem was solved in a heavy-handed manner by the US envoy, Zalmay Khalilzad, who paid a visit to the former king and then simply held a press conference at which he announced that the king had decided not to stand as a candidate and that he instead was supporting Hamid Karzai for the post as head of state.

Still another issue was that only a few days before the start of the Loya Jirga, a previous decision that International Security Assistance Force (ISAF) would be responsible for the security at the ELJ grounds was revoked in a meeting between Hamid Karzai; Mohammad Qasim Fahim, the minister of defence; Ismael Qasimyar, the chairman of the ELJ Commission; Lakhdar Brahimi, the UN special representative to the secretary general and head of UNAMA; and General McColl, the commander of ISAF. The new decision was that security for the tent where the actual assembly would take place would be the responsibility of the Amniat-e-Milli, the National Directorate for Security, which was controlled by the Panjshiri faction. The result was anger and frustration among many of the delegates who saw this as still another inequitable decision aimed at tilting the balance of the Loya Jirga in favour of the Panjshiri.

Finally, many of the leaders of the Mujahedin parties had chosen not to stand as candidates, presumably because they considered it to be below their dignity or because they feared losing face (and thus political status) by not being elected. In yet another last minute rearrangement, they were granted seats in addition to the 1,501 delegates originally chosen by the ELJ Commission.

The actual Loya Jirga took place in Kabul from 10 to 19 June 2002. The stated aim of the gathering was to 'elect a Head of the State for the Transitional Administration and . . . approve proposals for the structure and key personnel of the Transitional Administration'.² The meeting was inaugurated by the former king who declared his support for Hamid Karzai. A rather confusing but vigorous debate followed, where a great number of delegates brought up an equally great number of issues and suggestions, although without any decisions taken. Then Karzai was elected as head of state by an overwhelming majority of more than 80 per cent of the votes. That was obviously the easy part.

It proved to be more difficult to reach agreements 'for the structure and key personnel of the Transitional Administration', as stated in the Bonn Agreement. Intensive negotiations took place, not among the delegates but between the leaders of the different factions with Zalmay Khalilzad and Lakhdar Brahimi present. After several days of horse-trading, a preliminary list of 14 ministers was finally agreed upon. The Panjshiri faction kept a strong grip with Mohammad Fahim as minister of defence and Abdullah Abdullah in foreign affairs, while Yunus Qanooni, who had resigned from the post as minister of interior a few weeks earlier, was offered the education post. In addition, the Panjshiri control of the National Directorate for Security remained. A few technocrats were brought in with Ashraf Ghani, who became minister of finance, as the leading figure. Rashid Dostum was left without a minister post.

However, the question of whether the Loya Jirga approved the list of ministers is doubtful. On the last day, Karzai held a speech in which he presented the list after which he suddenly looked out over the assembly and asked for its approval. A few moments of confusion followed. Some delegates raised their hands, others stood up and

tried to get their voices heard, while the majority appeared to be merely bewildered. 'Very good', Karzai said, 'The list is approved.' And that was it.

3. THE LEGACY OF THE ELJ

The two first stages of the ELJ process (the district and regional meetings), while being far from ideal, showed the potential, willingness and ability of the Afghan people to, in a responsible manner, influence the future of their country. Hundreds of thousands participated in the meetings in a spirit of hope and optimism, and one can claim that this represented, at the time, the most democratic process in Afghan history to date.

However, the third stage or the Loya Jirga, the actual meeting, proved that the Afghan political leaders and the international community, chiefly represented by the US and UN, preferred to go for short-term stability, to more or less maintain the status quo and, with a few exceptions, to avoid treading on the toes of any of those who already enjoyed positions of power. Consequently, matters like democracy and human rights were not taken seriously and were, at the most, paid lip-service. The time allocated for the assembly was far too short to provide for any meaningful procedures involving the delegates and, in that sense, the whole exercise was in line with the quick-fix mentality that had begun with the Bonn Agreement.

Although virtually all groups felt they had reason to complain, the ethnic group that perceived itself as the most victimised was the Pashtuns, and quite a few left the meeting in protest before it ended. It is not inconceivable that this was the most fateful and long-term result of the Loya Jirga – that it undoubtedly played a part in facilitating the violent return of the Taleban.

² United Nations, 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions' (otherwise known as the 'Bonn Agreement'), section IV.5., available at <http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>.

ABOUT THE AUTHOR: ANDERS FÄNGE

Anders Fänge has worked with Afghanistan on and off for 20 years since the beginning of the 1980s, mainly as the Country Director of the Swedish Committee for Afghanistan but also as a journalist and with the United Nations. In 2002 he held the position of Director for Field Operation, Pillar One, in UNAMA and was as such responsible for the operational aspects of the UN support to the Emergency Loya Jirga.

ABOUT THIS CHAPTER

This chapter is part of a larger volume called *Snapshots of an Intervention: The Unlearned Lessons of Afghanistan's Decade of Assistance (2001–2011)*, edited by Martine van Bijlert and Sari Kouvo. The volume is a collection of 26 short case studies by analysts and practitioners, each with long histories in the country, who were closely involved in the programmes they describe. The contributions present rare and detailed insights into the complexity of the intervention and, in many cases, the widely shared failure to learn necessary lessons and to adapt to realities as they were encountered.

The chapters and full document can be found on the AAN website (www.aan-afghanistan.org) under publications.

ABOUT THE AFGHANISTAN ANALYSTS NETWORK (AAN)

The Afghanistan Analysts Network (AAN) is a non-profit, independent policy research organisation. It aims to bring together the knowledge and experience of a large number of experts to inform policy and increase the understanding of Afghan realities.

The institutional structure of AAN includes a core team of analysts and a network of regular contributors with expertise in the fields of Afghan politics, governance, rule of law and security. AAN will publish regular in-depth thematic reports, policy briefings and comments.

The main channel for dissemination of the reports is the AAN web site. For further information, please visit www.aan-afghanistan.org.