

## **Jirga Controversy Nothing New**

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By Qayoum Baabak in Kabul (ARR No. 90, 22-Dec-03)

The current Loya Jirga delegates were chosen through local assemblies, and some observers have questioned whether these delegates are truly representative. In some places, threats against challengers and vote-buying have determined the winner; in others, ordinary people were unaware of the assemblies or not allowed to attend, particularly women.

Previous grand assemblies have also been denounced as forged or a farce when kings or political leaders stacked the deck with their own associates or party members.

The Loya Jirga is a form of representative consultation whose origins date back to the time several thousand years ago when Afghanistan's people were nomads.

In those times, historians believe, groups of families lived together as a tribe, or gotra system, with common stables for their livestock. The gotras with common pastures formed a goshti. The family members consulted to select a leader of the gotra, and leaders of the gotras chose the head of the goshti. Above this level were three others, each choosing its leader.

The system evolved as the society created cities and villages, and became institutionalised as Afghanistan developed a larger sense of identity. The earliest Loya Jirga of which there are written records - which are said to still exist in Kabul's National Archives - was in 1709.

Until the 2002 Emergency Loya Jirga, however, delegates were chosen at the local level by the malek - wealthy and powerful leaders - with voiced approval from ordinary men in gatherings at the mosques.

In the past three centuries, notes historian and author Habibullah Rafi, an instructor at the Science Academy of Afghanistan, "Mostly the Jirgas were called when there was threat of foreign interference or to elect a national leader."

Grand assemblies of note have included:

1) The Manja Loya Jirga, convened in Kandahar in 1709, which discussed whether and how to attack Persian troops and was led by Mirwais Khan.

2) The Loya Jirga, held in Kandahar in 1748, which in just nine days settled the question of leadership of the Afghan empire. The chosen leader, Ahmad Shah Baba, was the first of the Durrani dynasty which ruled Afghanistan until the fall of Zahir Shah in 1973.

3) The Loya Jirga held in the Eid Gah mosque in 1919 is credited with approving the declaration of independence of Afghanistan.

4) Two others of Amanullah Khan, in 1923 and 1924, the first of which approved Afghanistan's first

constitution, and the second which modified the constitution due to the revolts that resulted from anger over Amanullah's progressive policies. Women, including Amanullah's wife, were included for the first time in Amanullah's 1928 jirga.

5) Loya Jirgas voted to maintain the neutrality of Afghanistan during World War I and II.

6) The Loya Jirga of 1964 approved a progressive constitution with a monarchy.

7) The 1992 gathering of mujahedin leaders - called by then-president Burharudin Rabbani and given the Arabic term Shura-e-Alo-Aqd to make it "Islamic" - fell apart when Gulbuddin Hekmatyar's representatives boycotted it and the factions later dissolved into civil war.

Ali Ahmad Fakoor, deputy of Afghanistan's independent human rights commission who was a delegate to most Loya Jirgas since 1964 said, "Sometimes, to sustain their power and to legitimise their personal goals, the rulers have called the gatherings of their associates the Loya Jirgas."

He cited the Loya Jirga in 1931 under Nadir Shah, father of Zahir Shah, to approve his reign; the Loya Jirga of 1977 called by Daud Khan to pass a constitution and approve him as president; and the Loya Jirgas of Najibullah in the late 1980s. People called these assemblies a joke because they included no opposition representatives.

The 1919 loya jirga was also not considered legitimate by some because it was open to anyone, Rafi said.

Fakoor said he considers the present assembly as the Loya Jirga of powerful men, but still maintains optimism that it will get attention of international community and may end successfully.

Rafi said the Emergency Loya Jirga, with a total of nearly 2,000 delegates - 1,650 of them elected in public gatherings at the local level - is probably the biggest legitimate assembly.

He said no historian can claim to know how many Loya Jirgas have been held, or which is truly the biggest. "The number is not important," he said, "but what is important is who attends it, and the issue they are discussing."

Qayoum Baabak is an independent journalist in Mazar-e-Sharif who is participating in IWPR's Loya Jirga reporting project.

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