

Loja Jirga Chaos Result of Unclear Rules

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Imprecise procedural rules accounted for the embarrassing confusion on the first day of the Afghan grand assembly.

The muddle over whether Hamid Karzai had been elected head of

state at Tuesday's opening session of the Loya Jirga is simply the most flagrant of a series of mix-ups about the process which will decide Afghanistan's government for the next two years.

In some cases, the first 24 hours seem to show that the procedures laid down by the assembly organisers are unclear; and in others that they are simply not being followed.

The most important function the assembly will perform is to choose the next government. But it is not clear whether the floor will be given the chance to approve ministers individually, or simply be presented with a *fait accompli*.

Article 19.1 says the duty of the Loya Jirga is to elect a head of state for

the Transitional Authority, TA, while 19.2 and 19.3 say the assembly is mandated to approve the structure of the new administration and "approval of proposals relating to the appointment of key personalities" in it.

Article 22 says the head of state makes proposals about the shape and make-up of the government "in consultation with influential personalities in the Loya Jirga".

At a press conference on Tuesday, Mohammad Ismael Qasimyar, chairman of the commission which convened the Loya Jirga, at first seemed to suggest that Karzai had been confirmed as head of state in the TA because the floor had applauded him after he spoke. Then he backtracked and implied that it was only his candidature which had been approved.

"I had the distinct impression at that point that the leaders had not read

the Bonn agreement very closely," said Klaus-Peter Klaiber, special

representative of the European Union to Afghanistan. "I felt uneasy when Qasimyar tried to suggest that the business was closed. But you heard the

protests from the floor of people who had not had a chance to make their voices heard, and I am very happy about that."

But the regulations themselves do not make clear whether applause from the floor would be a legitimate way of selecting the president or not. Article 23 says Loya Jirga decisions will be made by a majority vote of delegates.

Article 34, concerned with the method of voting, is very unclear. Clause

34.1 says, "In order to find out the opinion of the majority, voting will be

by secret ballot." But it is immediately followed by 34.2 which says, "Taking into consideration the issues to be voted on, the Loya Jirga can also use the open method of voting." It does not specify what is meant by "open voting".

Then there are the cases in which the regulations seem clear but are not being followed.

On the question of language, for example, Article 36 states, "All the discussions should be in the country's two official languages (Pashtu and Dari) which are intelligible to all." But nearly all of Tuesday's

discussions were in Dari, and no translation facilities were provided for delegates who do not speak the language.

In his speech, Karzai spoke mainly in Dari, but then repeated a short section, about the proposed prerogatives of Zahir Shah as "Baba", in Pashto.

Dari and Pashto have been the two official languages of Afghanistan since the 1960s. Most educated Afghans speak the former but the latter is the language of the Pashtuns, the country's largest ethnic group.

The 1600 or so delegates come from all over the country and a variety of backgrounds and it is unlikely that all of them speak Dari well

enough to follow fast-moving debates in that language.

Even the delay in the start of the Loya Jirga itself contradicts Article 1

which clearly states that that gathering be held between June 10-16. This might seem trivial, but for the fact that most observers agree that the interim administration and American diplomats spent June 10 persuading Zahir Shah not to stand for political office.

IWPR trainee journalists covering the Loya Jirga are Mir Enyatullah, Hafizullah Gardesh, Samander Khan, Daneesh Kerokhil and Abdel Wali Saadat.

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