

Central Intelligence Agency



Washington, D.C. 20505

DIRECTORATE OF INTELLIGENCE

5 June 1987

Loya Jirga: Key to Power
in Post-Soviet Afghanistan? [redacted]

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Summary

The Loya Jirga--a "Great Council" of tribal, religious and civic leaders--has been described by both the Afghan resistance and the Kabul regime as the key to power in Afghanistan. Loya Jirgas have been called only a few times in Afghan history, usually to recognize a new king or approve a ruler's new policy direction but have served as the model for most Afghan legislatures and advisory councils. The Kabul regime has made several attempts to use gatherings it calls "jirgas" to enhance its own legitimacy. Some resistance leaders have also tried to set up two Loya Jirgas, probably in the hope of unifying the resistance, creating a true government-in-exile, and further highlighting the Kabul regime's lack of legitimacy. [redacted]

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We believe that a Loya Jirga may be useful to make the transition from a post-Soviet interim regime to a permanent Afghan government. Under the auspices of an interim regime, a Loya Jirga that included representatives of all factions could determine the form and makeup of the final government. The crucial questions for a Loya Jirga are its membership and agenda. Although members of a Loya Jirga are traditionally bound to uphold the jirga's decisions, an assembly that is widely perceived as being rigged or that excludes important interest groups could stimulate further strife. [redacted]

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This memorandum was prepared by [redacted] Afghanistan Branch, South Asia Division, Office of Near Eastern and South Asian Analysis. Comments and queries are welcome and should be directed to the Chief, South Asia Division [redacted]

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Political Power and the Loya Jirga

There are three traditional sources of law in Afghan society: Islam, tribal codes, and the decisions reached by jirgas. Obedience and respect in traditional Afghan society are based less upon a leader's lineage than upon how well that leader fulfills his duty according to the dictates of Islam and the tribal codes. Afghan kings ruled by divine sanction rather than by divine right, and a ruler who disregarded Islamic and tribal codes was considered to be a usurper.

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the jirga--along with difficulties of communication and transportation--limited the power of Afghan central governments. Because the jirga vote is the basis of a leader's legitimacy--and a second vote could revoke that confirmation--the result has often been an unstable government preoccupied with keeping the tribes happy. However, the institution also gave traditional Afghan governments a wide institutional base and degree of popular legitimacy rare among traditional societies.

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The first recorded Loya Jirga elected Ahmad Shah Abdali in 1747 as paramount chief and the first King of Afghanistan. Subsequent jirgas were called to strengthen a ruler's claim to the throne or to approve controversial programs. The most blatant pre-Soviet attempt to engineer a Loya Jirga's decision was made by King Amanullah in 1928. After a jirga of about 1,000 of Afghanistan's most influential tribal, ethnic and religious leaders rejected the King's reforms--which included calls for separation of mosque and state, the unveiling and emancipation of women, enforced monogamy and compulsory education--the King disbanded it and convened a smaller jirga of about 100 government employees and supporters who promptly passed his program. However, the first gathering was widely perceived as the true Loya Jirga, and King Amanullah--who by defying its ruling had proven himself unIslamic--was deposed.

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Jirga and Democracy

All adult men are eligible to be delegates to a Loya Jirga and all delegates have an equal right to speak. Decisions are made either by consensus or a show of hands. The decision of a Loya Jirga is binding upon all participants, and anyone who disregards the ruling is severely punished. Despite the similarity with the New England-style "town hall democracy," where all members of a community have their say, the jirga is not entirely democratic. Historically, jirga representatives were usually the tribal and religious elite and often appointed to the jirga by the very king whose policies they were to judge. The Loya Jirga reinforced this elite's control over the population since--through the jirga--they served as many villages' only link with the central government. In return for their support, tribal leaders lobbied the crown for gifts and arms, which they then used to cement their own positions.

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Use of Jirgas by the PDPA and the Soviets

The PDPA has repeatedly staged jirgas in an attempt to gain a popular mandate and bolster its claim to legitimacy. In addition to arranging several tribal jirgas, the Ministry of State Security (KHAD) brought about 2,000 tribesmen to Kabul in April 1985 to convene a People's Loya Jirga. According to the US Embassy in Kabul, delegates were forced to sign a unanimous statement praising the Soviet presence in Afghanistan. Attendees who questioned the document or procedure were imprisoned for "pro-rebel sympathies." [redacted]

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The regime also held jirgas in 1985 to elect members of local councils in Kabul, Feyzabad, and Saranj. According to the US Embassy in Kabul, a single slate of candidates was presented to the delegates minutes prior to the voting. The Embassy reported that regime officials reportedly stood by with cameras in order to discourage "no" votes. Small children were counted among the voters, and according to a Western journalist, one woman's "election" consisted of a summons from the local party headquarters, where she was given a plane ticket to Kabul and a prepared speech to deliver upon her arrival. Few Afghans took these staged jirgas seriously, according to Embassy reporting, and many Kabul residents joked that members of a tribal jirga convoked in September 1985 probably were resistance fighters taking advantage of regime bribes and a free trip to Kabul, according to diplomatic reporting. [redacted]

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Despite this lack of support, the Kabul regime appears intent on using jirga-type assemblies to demonstrate "mass support" for their program. The government claims that all Afghans are represented by local party members in regional jirgas. Representatives elected by these regional jirgas then take part in district-level jirgas, which, in turn, report to provincial-level jirgas--a system closely modeled on the Soviet party system, but given an Afghan veneer with the name "jirga." [redacted]

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Resistance Attempts at a Jirga

The resistance has also used the jirgas to settle internal disputes, adjudicate differences with Pakistani tribes and to win over pro-Kabul tribes. [redacted]

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[redacted] The Pakistani government has [redacted] encouraged the use of jirgas among representatives of resistance and refugee groups to settle conflicts in camps. [redacted]

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In our view, the greatest roadblock to a resistance Loya Jirga is the question of the council's composition. Attempts by traditionalist resistance leader Ahmad Gailani to form Loya Jirgas in 1980 and 1984 in order to create a government-in-exile under former King Zahir Shah fell through after boycott threats from fundamentalist resistance leaders. Fundamentalist leaders, such as Gulbuddin Hekmatyar oppose the participation of Afghans who have not taken direct part in the resistance struggle. A younger generation of battle-tested commanders is also likely to contest the chiefs and mullahs who previously made up many jirgas' membership. We also believe that traditionalist groups such as Ahmed Gailani's National Islamic Front of Afghanistan are likely to contest the legality of any Loya Jirga not formed along traditional lines, and might succeed in blocking any council not to their liking. [redacted]

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Prospects

We believe that a Loya Jirga may be useful to make the transition from a post-Soviet interim regime to a permanent Afghan government. Under the auspices of an interim regime, a Loya Jirga that included representatives of all factions could determine the form and makeup of the final government. The crucial questions for a Loya Jirga are its membership and agenda. Although members of a Loya Jirga are traditionally bound to uphold the jirga's decisions, an assembly that is widely perceived as being rigged or that excludes important interest groups could stimulate further strife. We believe, however, that a Loya Jirga that is widely recognized as a true national assembly can serve as the basis for mutual recognition between warring Afghan factions and a free and neutral government. [redacted]

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SUBJECT: Loya Jirga: Key to Power in Post-Soviet Afghanistan?

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