Elections in Afghanistan

The Western-type general, direct, secret and free parliamentary elections by both genders is a twentieth-century phenomenon in Afghanistan. Besides, the elections that were held were often manipulated. Of course, governments had always been in existence in this ancient land but as elsewhere in most developing countries here too they were often organized by founders of dynasties and subsequently approved by elders in loya jergas (grand councils). The governments which had thus been set up were secular in nature and the result of the consensus of the notables drawn from among elders of tribal communities (khans, maliks, meers and begs), civic leaders, court (darbar) officials, military officers and the clergy (the 'olama, mujtahids, peers, and sayyeds) in accord with social conventions and the Islamic Shari'a of the Hanafi school of law.

Loya jergas are an extension of jergas, a system of settlement of disputes through consultation so common among the Pashtuns, the major ethnic group in Afghanistan. In a dispute in a locality all those affected by a case along with specialists (marakchyan, jergamars) attend the jerga on an equal basis and settle the case by consensus. The mullas (religious scholars) are also invited to attend the jerga, not to administer it but to provide advice, when needed. The jerga is solemnly convened after the usual Muslim prayer is offered, and a Pashtu verse recited: "Events are with God, but deliberation is allowed to man." The decision so made is accepted by the disputants whether individuals, families or tribes; if not, the violator (gunahkar) is fined (made to pay a nagha), or punished by his excommunication or the burning of his house by a special tribal militia (arobaki) (Kakar, 103, Wajdi, 46)

The loya jerga is convened in times of national emergencies or whenever or after new rulers are installed or new constitutions have to be approved. King Aman Allah (r.1919-1929) even required participations of the loya jergas "...to discuss all state affairs, proposals for the uplift, the enactment of all laws and the internal and external policies [of the country.] (King Aman Allah's firman, Fayzzad, 56, See also Adamec, Kakar, 102) He wanted to convene a loya jerga composed of "...the 'olama, sadat, mashayikh [elders], khans and representatives of all tribes [aqwam] every year in Kabul." Loya jergas have played roles in the emancipation of Kandahar and the selection of the founder of modern Afghanistan. In 1707 the Manja Jerga helped Meer Wais Hotakay to liberate Kandahar from the Safavid domination, and in 1747 following the assassination of Nadir Shah Afshar in Khaboshan in Mashhad the Sher-e-Surkh Loya Jerga in Kandahar selected Ahmad Shah Durrani as the ruler of Afghanistan. (Ghobar,...) In general in modern Afghanistan before the reign of Ameer Ameer 'Abd al Rahman Khan (r. 1880-1901) loya jergas have acted more effectively than afterward when the central governments monopolized power. During the latter period except for King Aman Allah who let the jergas act freely the governments limited their freedom and, as a consequence, they were no longer democratic as they had been. In particular, after the communist coup in 1978 the loya jergas as an institution representing the general will were reduced in significance, even though they were frequently convened. The
same became true of general elections in Afghanistan

Elections were held on the basis of constitutions that were
drawn to limit the unrestricted power of Afghan rulers by
transferring some of that power to the elected representatives of
the people in parliaments (Kakar, E. of Iran) Before
Afghanistan came to have written constitutions state councils
(shorahay-e-dawlati) assisted Afghan rulers in running the
country, but rulers chose members for them, and they acted as
instructed. In Afghanistan the first constitution was codified
and drawn in the reign of King Aman Allah in 1923, but, as noted,
he ruled mainly with the assistance of the loya jergas.
Elections were held on the basis of the next constitution (usul-
e-asasi-e-dawlat-e-aliya-e-Afghanistan) that was drawn in the
reign of King Mohammad Nadir in 1931 and lasted until 1964.
During this long period of 33 years elections were regularly held
for the national assembly (majlis-e-shoray-e-milli), but the
government handpicked members for it, and debarred women
from taking part in it. An exception to this rule was the
parliament of the seventh round (dawra-e-haftum.)

For the first time in 1949 the government led by Premier
Shah Mahmud Ghazi refrained from interfering with the general
elections for the national assembly. out in the rural
areas elections were held openly as before. a considerable number
of known constitutionalists were elected. but still In Kabul as a result
of the written and secret balloting two known constitutionalists
were elected by a high turn out. Even though the national
assembly was greatly outnumbered by conservatives its liberal and
constitutionalist members asserted themselves in their demands.
Most of the latter were leading members of a number of political
parties which had been active for some time, but which were still
not legal. In 1950 the national assembly passed a law allowing
the publication of non-governmental press. Thereafter the
parliament, the political parties and the non-governmental
weeklies which mushroomed overnight along with a new Union of the
Students of Kabul University (Ittehadiya-e-Muhamid Mubassilman) created a
fervor which prompted the optimistic intelligentsia to look upon
it as a period of democracy. They even called the Prime Minister
the "Father of Democracy." This proved premature, however. When
members of the parliament questioned the cabinet ministers on a
wide range of subjects and asserted themselves to ensure their
constitutional rights the ruling house considered this as an
intrusion in its domain and an invitation to instability. The
next general elections were then interfered with, and the
interference prompted the constitutionalists to protest in a
rally. Their ringleaders as well as leaders of the political
parties were arrested. The king persuaded the Prime Minister to
resign. Afterward a triumvirate of the king, Mohammad Zahir, his
two cousins and brothers-in-law, - Sardar Mohammad Daw'ud, and
Sardar Mohammad Na'eem, who represented the younger generation of
the ruling dynasty began to rule in an authoritarian manner
despite the constitution until 1963 after which in 1964 a brand
new liberal and democratic constitution was promulgated.
(Farhang, 447-448, 455)

A clause of the new constitution (ganun-e-asasi-e-
Afghanistan) also granted women the right to vote when it stated that
"... members of the people's council (wolesi jerga) are elected
by direct, general, free and secret voting by the people of Afghanistan." It also made them eligible to be elected to parliament by another clause that stated "The parliament of Afghanistan is the expression of the will of the people." out the ground for participation of women in political life had already been prepared by the rise of the educated middle class as a result of the free co-education and the emancipation of women in 1959 after they had in 1929 lost their briefly-won emancipation. For this and other liberal features, in particular the separation of the state power, the constitution had been called as "...the finest in the Muslim world." (Dupree, 565) However, for a variety of reasons the turn out in the general election in 1965 was not high, but "Most observers agree[d] that the elections were as fair as any they had seen in Asia, or in some parts of Alabama." (Ibid, 589)

Four women were elected to the people's house. The political parties that had been active participated in the election without naming themselves. They had not been legally recognized. Among them were a number of leftists who belonged to the pro-Moscow Peoples Democratic Party of Afghanistan. Liberals and democrats were considerable in number, but the traditionalists, conservatives, bureaucrats, and religious leaders, among whom a large number belonged to the newly organized Democratic Unity Party constituted the majority. A considerable number did not know much of the intricacies of parliamentary ways, and lobbied for personal gains.

The next general election that was held in 1969 was also free of government interference, but not as free as the first had been. No woman got elected in this election. The number of leftists elected dropped to two. In Kabul a Hindu was elected. As before most members were conservatives with a smaller number of intelligentsia and democrats. In the absence of an electoral law to regulate electoral procedures this time more than the first time candidates obtained votes with money, hospitality and other illegal means. Such successful candidates then lobbied to promote their personal interests rather than to devote themselves to legislative affairs. Often the house failed to form a quorum. This slowed down the process of legislation, and the house lost some of its attraction so much so that a member resigned.

Despite all its shortcomings which resulted from the lack of experience of its members the people's house along with the upper house (meshrano jerga) enacted many laws, four of which the king did not sign into law. More important, it proved that a parliamentary system based on a democratic and liberal constitution can become productive since because of the laws that it passed it set the country on the road to renewal and progress. Besides, the diffusion of power softened the traditional harsh image of the government so much so that people throughout the land lived in freedom and security as never before or afterward.

In 1973 a military coup led by former Premier Mohammad Daw'ud overthrew the monarchy and abolished the constitution. No election was held during his reign despite the promulgation of a new constitution in 1977. The next year the pro-Moscow Peoples Democratic Party of Afghanistan led by Hafeez Allah Ameen toppled him in a coup. In more than a decade long rule of the Peoples Democratic Party no general election was attempted despite the
promulgation of two constitutions, one in 1980 and another in 1987. The Afghan mujahideen had wrested the countryside of its control after the Soviet army had in December 1979 invaded Afghanistan and installed a government of its choice under Babrak Karmal in Kabul. Only in 1988 did the regime under Najeeb Allah attempt to hold election for the house of the people in Kabul and its dependencies. In December 1992 the Islamic state that under Sibghat Allah Mojaddidi had earlier in the year replaced the Kabul regime convened an all-male council of settlement and resolution (shoray-e-ahl-e-hal wa 'aqd), an Islamic counterpoise to the secular loya jergas, but it failed in its purpose. The civil war that had erupted after the Islamic state had been instituted still continues, and Afghanistan under Burhan al-Deen Rabbani is deprived of a constitution and a central government strong enough to rule over it.