



## AFGHANS MEET TO CREATE NEW CONSTITUTION

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*Hundreds of tribal elders are gathering in the Afghan capital, Kabul, to debate and adopt a new constitution in a traditional assembly called the loya jirga. The meeting is a crucial step in the path toward democracy following the U.S.-led ouster of the hard-line religious Taliban government in December 2001.*

The current transitional government, headed by President Hamid Karzai, presented a draft constitution to the public a month ago. A final document must be ratified by the loya jirga.

The 500 participants in the meeting were selected during secret ballot elections in 32 provinces over the past few weeks. Separate special elections were held for women, refugees and other minority groups, with a limited number of seats reserved for each. United Nations observers said the voting proceeded fairly, although there were reports from smaller villages that residents felt they had to vote for the representatives put forth by the local war lords.

The debate promises to be contentious, as the delegates try to reconcile the traditional rural and religious elements of Afghan society, with the push toward women's rights, modernization and democracy.

After the loya jirga adopts a constitution -- debate is expected to continue over the next few weeks -- the next step will be presidential and parliamentary elections next year, according a political process outlined by the United Nations.

### **The role of religion**

The draft constitution -- 12 chapters and 160 articles long -- was written by a 35-member constitution commission, which sent out 500,000 questionnaires and held countless meetings in villages across the country seeking input. One of the issues that the writers knew would be contentious is the role of Islamic law in the new government.

The draft starts by declaring that "Afghanistan is an Islamic Republic." Followers of other faiths are free to perform their religious ceremonies as long as these do not undermine Islam, according to the document. In addition, "no law can be contrary to the sacred religion of Islam and the values of this constitution."

For some Afghans, the language is too strong. Professor Abdul Kabir Ranjbar, the president of lawyers union of Afghanistan told IRINNEWS, an information service of the United Nations, that many Afghans are worried that statements enshrining Islam in the constitution could be used to promote extremism in the future.

Other Afghans would like to see more of a focus on religious law. "We want Islamic law, not international law. ... If I am elected to the loya jirga, I will employ all my boldness as a former freedom fighter to eliminate or amend every un-Islamic term," Mahmud Samander, a teacher from the province of Ghazni, told a Washington Post reporter.

### **The power of the presidency**

Another controversial issue is the amount of power given to the president. The draft constitution envisions a strong presidency, elected directly by the people, with five-year terms and a limit of two terms.

The position of prime minister was included in previous versions but was cut from the final draft. It was thought that a prime minister could become a political and military rival to a president.

However critics like Ranjbar disagree and believe that Afghanistan needs a parliamentary system with both a president and prime minister. "A presidential system is dangerous after decades of totalitarian regimes, it is more likely that giving so much authority to a president will eventually lead to another dictatorship," he said.

### **Human rights and women's rights**

The draft constitution has critics on many sides. Human rights groups have said the draft constitution does not adequately protect women's rights, or create an independent court system. Student groups have protested that it does not guarantee the right to free higher education.

When Washington Post reporter Pamela Constable attended a meeting to elect loya jirga representatives from the province of Gardez, she found that the gathered elders agreed, in principle, that women should be able to participate in the assembly, but that the lone woman candidate was nowhere to be seen. She spent the day segregated in a classroom, cut off from all the discussion, and she said no one had given her a copy of the proposed constitution.

"In my district, none of the women knew anything about the loya jirga, including me, and none of us was given a chance to read the constitution," said the 28-year-old health care worker.

### **The threat of violence**

The loya jirga is proceeding despite threats from Taliban insurgents who have promised to disrupt the meeting. On Saturday at least 15 people were wounded after a bomb attached to a bicycle exploded in Kandahar.

At the same time, thousands of U.S. and Afghan soldiers are conducting raids on Taliban strongholds throughout the country. Military officials say "Operation Avalanche" is the largest operation in Afghanistan since the end of the war to overthrow the Taliban two years ago. So far, the military says the mission has had success, although two military blunders have caused the deaths of 15 children and several adult civilians.

*By Leah Clapman, Online NewsHour*

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