

TRANSCRIPT

A Big Step Towards Afghan Unity

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Afghanistan occupies a unique position among post-conflict countries in that it is sticking to the timetable, hammered out in November 2001, for moving from conflict to stability. This week's adoption of the constitution by the loya jirga (grand assembly) marks the third big step in empowering the people that began with creation of an interim administration in December 2001 and will continue with elections this summer.

The management of the loya jirga was unscripted, as the delegates confronted unforeseen challenges and devised mechanisms for resolving them. There were times when the assembly nearly split because it focused on aspects of recent Afghan history that some individuals or groups might have found problematic. But the centre held. Delegates, in touch with their constituents by radio, were reminded that the people prized stability, national unity and political solutions above factional or personal interests.

The loya jirga has traditionally worked through consensus. This emphasis on national unity found expression both in the text of the constitution and in the unanimity of the delegates, who, when at last adopting the text, stood up together to indicate their approval. The process has been one of consensus and compromise, with no winners or losers.

Widely expressed fears proved to be unjustified. The issue of whether to restore the monarchy was not even raised. All parts of the country participated with equal enthusiasm in the elections for delegates to the loya jirga. And the delegates scrutinised the text with care and made clear that they were writing the fundamental law for generations to come.

Speeches delivered by the loya jirga underlined the need to develop state institutions, especially in the areas of education, health, roads, power, drinking water and irrigation. On a conservative estimate, the demands of the assembly will cost between Dollars 80bn and Dollars 120bn. Much work is needed to improve living standards but the international community and Afghan government must make sure that citizens' expectations of what can be achieved in the short run are realistic.

Some delegates demanded accountability for war crimes and radical improvements in security and the rule of law. But most seemed deliberately to shy away from issues that would incite controversy and lead to disorder or polarisation.

Affirming that there is no contradiction between the civilisation and heritage of Islam and individual rights, the constitution puts strong emphasis on human rights, women's rights and individual rights of citizens, including the right to demand information from the government.

It makes Afghanistan the first country in the region to proclaim its multilingual character openly. While Pashto and Dari are affirmed as official languages, all other languages spoken by a majority of people in any part of the country are recognised.

The proposed regime balances a strong presidency and a parliament with extensive powers of inquiry, which cannot be dissolved by the president. The administrative system will be centralised but local assemblies at district and provincial level will be formed, to give a voice to the people. A supreme court, whose members will be proposed by the president and subject to confirmation from parliament, will have a critical role in promoting the rule of law and interpreting the constitution on the basis of requests from the government or the courts.

With the rules now in place, it is imperative that institutions are created to give all Afghans confidence that the process of building a state, an economy and a society will be fair, just and inclusive. The rule of law is critical to creating trust. This, in turn, depends on providing security to all citizens. Millions have been disabled and millions more have missed the opportunity to acquire the education and skills that would allow them to participate in a modern economy; opportunities must now be provided to ensure their inclusion.

We Afghans have shown our ability to engage in open discussion of our problems and find mechanisms for the constructive resolution of disagreements. Now the international community needs to be given confidence that assisting Afghanistan is an investment in the future - not only of the country itself but also of the region - not simply a charitable donation.

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