



دولت انتقالی اسلامی افغانستان  
دارالانشاء کمیسیون قانون اساسی



Transitional Islamic State of Afghanistan  
Constitutional Commission Secretariat

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**Draft Constitution of Afghanistan**

**Statement by the Secretariat of the Constitutional Commission of Afghanistan**

After twenty five years of strife and conflict, destitution and homelessness, disregard for the rule of law, injustice and massive human rights abuses, Afghanistan and its people have recently begun to build a new society. The current conditions in Afghanistan requires the formation of a new society in accordance with the wishes and aspirations of its people and one that is based on democracy and human rights and respects to Afghanistan's national and international obligations. The wish to establish such a society is clearly reflected in the Bonn Agreement of 5 December 2001. It was agreed upon by Afghan representatives under the auspices of the United Nations in Bonn, Germany. The Agreement was in response to national, regional and international developments allowing Afghanistan to achieve a cohesive political and legal mechanism.

The responsibility to create a new, law-abiding society was given to the Interim Administration and its successor, the Transitional Islamic State of Afghanistan by the Bonn Agreement. The agreement calls for the drafting of a new constitution within eighteen months from the establishment of the Transitional Islamic State of Afghanistan. His Excellency, Hamid Karzai, President of the Transitional Islamic State of Afghanistan, through Decree number 141 of 13.07.1381(5 October 2002) assigned a nine member commission comprised of legal scholars to draft a new constitution. The Drafting Commission was inaugurated by the Father of the Nation, Mohammad Zahir, and started its work on 12.08.1381 (5 November 2002). The Presidential Decree 3723 of 06.08.1381 (28 October 2002) established a Secretariat to support the work of the Drafting Commission. Paying a high regard to the political, religious, social, cultural and economic realities of today's Afghanistan and with access to and the benefit of all previous constitutions of the country along with a detailed study of constitutions belonging to other nations, in particular Islamic nations, the Drafting Commission prepared the Preliminary Draft of the new Constitution.

To further enrich the process of making the new constitution, President Hamid Karzai legislated through Decree number 6 of 06.02.1382 (26 April 2002) the establishment of a successor commission, the Constitutional Review Commission. The Commission was comprised of thirty five members and brought together the country's top legal and religious scholars, including women. The Preliminary Draft prepared by the Drafting Commission was handed over to the Review Commission. Over an eleven month period, the Constitutional Review Commission made honest and tireless efforts to complete its historical mission.



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To enhance public participation in the process, from April to July 2003 the Secretariat of the Constitutional Review Commission launched a Public Education and Consultation programmes all over Afghanistan as well as in Iran and Pakistan to educate Afghans on the constitutional making process and receive public opinion on the draft constitution. Members of the Constitutional Review Commission attended about five hundred and fifty five (555) public consultation meetings, in which thirty five thousand five hundred and three (35503) women also participated. A total of four hundred and eighty four thousand and four hundred and fifty (484,450) questionnaires were distributed. Simultaneously messages, letters and queries were submitted to the Commission. People were able to express themselves freely in these meetings and a proper record of what had been said was developed. The Commission has worked honestly and diligently to accurately reflect the views, wishes and aspirations of the people in the draft constitution.

In the performance of its mandate, the Commissions have always tried to act in accordance with the blessed tenets of Islam, accepted national traditions and customs and with regard to current socio-political realities. It is main objective has been to produce a national document that could effectively regulate the new social and political life in Afghanistan and help achieve national unity, democracy and prosperity after decades of violence and chaos. The draft constitution after completion was presented to President Karzai and published thereafter. It is now being made available to you to study and reflect upon. Your ideas and recommendations will play a constructive role in enriching this national document. The Draft Constitution will be reviewed and approved at the Constitutional Loya Jirga (CLJ) by the people's representatives among whom there are four hundred and fifty (450) elected representatives and fifty (50) selected by President Karzai. The Constitutional Loya Jirga will be convened in Kabul in December 2003.

Long Live Afghanistan!