

In the Name of God, the Most Merciful, the Most Kind



December 06, 2018

Afghanistan – From Tribal Code of Conduct to Democratic Constitution

The peace negotiation between US special envoy Zalmay Khalilzad and Taliban's representatives make the national and international headlines. However, what is worrying for Afghan nation is the vulnerability of Afghanistan's Constitution, which, after passing historical ups and downs, has been approved based on democratic values and international principles.

To view shortly the past regimes in Afghanistan, tribal code of conduct and patriarchal system held strong sway. During the regime of Emir Abdul Rahman Khan, Pashtunwali, a non-written code of conduct and traditional lifestyle which was followed by indigenous Pashtun people, ruled Afghanistan. Women were discriminated on the grounds of their gender based on Pashtunwali. Their rights and freedoms were restricted on a large scale.

Nonetheless, Habibullah Khan (1901 – 1919), who succeeded his father Emir Abdul Rahman, adopted somehow moderate approach and restricted the number of wives to four based on Islamic Sharia.

His son, King Amanullah Khan (1919 – 1929), however, sought to modernize Afghanistan. The first Constitution of Afghanistan was endorsed during Amanullah's monarchy. In this constitution, men and women were considered as equals and sexual discrimination had no room in it. That is, all Afghans, regardless of their gender and beliefs, were called citizens. The constitution was, however, in conflict with tribal code of conduct, cultural values of a traditional society like Afghanistan, and religious comprehension of some reactionaries. Therefore, it triggered an uprising and his successor, Habibullah Kalakani, outlawed the constitution with the support of tribal leaders and some reactionaries. Worst, Amanullah was excommunicated by a declaration signed by a number of tribal elders and clerics.

Nadir Shah (1929 – 1934), who ousted Kalakani, adopted more traditional approach towards women's rights and freedoms. Similar to Kalakani, he stood against Amanullah's modern movement and outlawed Amanullah's Constitution. Wearing burqa, a head-to-toe covering, was imperative for women during Nadir's regime.

After Nadir's death, his 19-year-old son Zahir Shah succeeded him and ruled Afghanistan from 1933 to 1973. However, his uncles Hashim Khan and Shah Mahmood and his cousin Daud Khan were the main players and ran his monarchy as prime ministers for three decades. Hashim Khan continued the same restrictive, repressive and traditional system. However, Shah Mahmood was a moderate prime minister (1946-1953) and sanctioned free elections and a relatively free press, and the so-called "liberal parliament" functioned from 1949 to 1952. Therefore, he was dubbed as "the father of democracy".

Prime Minister Daud Khan (1953-1963) introduced several far-reaching educational and social reforms, such as allowing women to wear the veil voluntarily and abolished purdah (the practice of secluding women from public view). The regime still remained politically repressive and tolerated no direct opposition.

The last decade of Zahir Shah's monarchy was dubbed as "the decade of democracy" or "the decade of constitution" for the approval of Constitution based on more democratic principles. Zahir Shah also sanctioned free parliamentary election – in which four women were elected as MPs for the first time and two women were selected as Senators by the King. The greatest achievement of the 1963-73 decade was the promulgation of the 1964 Constitution. It was stated in this Constitution that every Afghan had equal rights and duties before the law. The Constitution also barred the royal family, other than the king, from participating in politics and government – a provision that was perceived as keeping Daud Khan out of politics. This Constitution put great impact on Afghanistan's current Constitution.

The Soviet-backed communist regimes also endorsed and supported democratic but secular Constitution and advocated the rights and freedoms of women and the Universal Declaration of Human Rights (UDHR).

Nevertheless, women's rights and freedoms were restricted during Mujahedeen's government, which was a serious political backtrack in Afghanistan's history.

Worst of all, a combination of Pashtunwali and Sharia Law in conjunction with the Taliban's extreme interpretation of Deobandi, Salafi and Wahabi Islam were put to practice during the Taliban's regime. The Taliban deprived women of their basic human rights and freedoms. Women were restricted within the four walls and in case of going out, they had to wear burqa and accompanied with their male chaperones – this dealt a strong blow to all democratic achievements and the progress made regarding the rights and freedoms of women.

Following the downfall of the Taliban's regime, it was agreed in the Bonn Conference, held on 5 December 2001, that a constitutional Loya Jirga (Grand National Assembly) had to be convened within 18 months to adopt a new Constitution which is being practiced now. The Constitution is based on democratic principles, UN Charter and the UDHR. With the approval of this Constitution, which entitles men and women equally, Afghan women participated in all social, economic and political segments of the government and made great strides.

It should be noted that the current democratic constitution was not endorsed overnight and is not necessarily the product of a conference in Bonn. It is the fruit of Afghans' decades of sacrifices. Hence, it will not be acceptable to Afghan people to gamble this Constitution on negotiating table. The democratic principles, human rights and freedoms, mainly women's rights, are not to be bargained for. It is said the Taliban again seek to impose their radical mindset on Constitution, which will mostly likely restrict women's participation in social and political activities. Taliban's interlocutors, including the US envoy, must be cautious not to succumb to such an unreasonable demand.



Afghan Women as Peacebuilders

By: Moh. Sakhi Rezaie

With the unanimous adoption of Resolution 1325 by the UNSC in October 2000, women's role in, and potentials for peace building have gained global, regional and national attention. Consequently, the past decade characterized by the identification of key issues, especially in Afghanistan, on women, peace and security, and the development of interventions to address them. The identification of issues and design of interventions on women, peace and security have been tailored around four main areas, namely early warning and conflict prevention; peacekeeping and peace support operations; peace processes such as mediation, peace talks, and signing of peace agreement/s; and post-conflict peace building. In addition, there have also been some cross-cutting concerns. This includes the increasing requirement for the development and/or domestication of policy frameworks that provide the legal and constitutional backing for women's active and visible involvement in peace and security; and the actual mobilization of women for engagement in a field that has long been a male preserve; and such involvement, of course faces vast challenges in a traditional society like Afghanistan.

The resolution of issues in each of these areas, the participation of women in policy and decision-making, and their access to power and other resources is critical to unleashing the potential of women to act as effective pillars and stakeholders in the process of building peace. This is also fundamental for the achievement of equality, development and peace as posited for in the Beijing Declaration of 1995. Globally and in Afghanistan, violent conflict has raised women's awareness of the necessity to take initiative, and there is now a growing recognition of the significant roles that women can and do play in resolving conflicts and building peace. In Afghanistan, the role of women in peace building has gained prominence over the Past years as women's groups organize themselves to participate in peace building initiatives and processes. Their peace initiatives and efforts have ranged from the provision of survival necessities such as food, medical care, etc., to peacemaking by building bridges of reconciliation across the conflict divide; initiating intra- and inter-clan or community dialogue; intervening in national peace processes; advocating for women's human rights and access to decision-making and leadership; provision of psychosocial support to victims of rape and other violations; and assistance in the re-integration of ex-combatants.

As the lessons from Afghanistan Peace Process have shown, sustainable peace can only be achieved with the full partic-

ipation of all sectors of the society, of which the contribution of women is central. Women bring an alternative, gendered view to peace building that leads to transformation at both structural and practical levels.

However, despite the considerable gains that have been made, women continue to be under-represented in peace and security processes, particularly at the formal and technical levels where women's roles tend to be largely invisible. Women's associations, groups, organizations and networks that are working for peace continue to face numerous challenges that diminish the impact of their work. Challenges to women's peace activism arise at different levels – from the international community, the national political milieu, and the patriarchal nature of society. Other impediments are generated by women's lack of confidence, skills and resources. At another level, while there has been an upsurge in the number of policy instruments on women peace and security at both national and sub national levels following years of intense lobbying and advocacy by women's groups, there is still the challenge of translating policy into real and efficient tools to support women's peace work.

Afghanistan has been a hotbed of violent conflict and war, for about 4 decades. Most of this armed conflict has been waged between rebel/militia groups and state government and the external supporters of the government, have taken unconventional forms, defying traditional 'fighting' zones by taking war right into homes and having a high human cost. The nature of the conflict and the fact that they originate from the bush, close to rural/grassroots communities, exposes and draws local populations into the violence conundrum, completely disregarding the provisions of both international humanitarian and human rights laws. Furthermore, Afghan conflict has had cross-border implications, with a spill-over effect that has exerted severe strains on neighboring countries. In addition, the conflicts have been fueled by the neighboring, regional and international actors during the 4 past decades.

The intricate, multi-faceted and multi-party character of the conflict which transcends borders has demanded a broad strategy of intervention that includes the active involvement of non-state actors and wider cooperation of diverse stakeholders across the regional level. As a result, there have to be collaborative efforts at both governmental and nongovernmental levels to intervene and respond to conflict in Afghanistan. The success of this collaboration broadly depends on the active and meaningful involvement of Afghan and regional Women organizations in the peace process of Afghanistan at the national and regional level.

Will the Yellow Vests Reject the Brown Shirts?

By: Bernard-Henri Lévy

From the moment the French government canceled its planned fuel tax hike in the face of massive protests, it was obvious that the move would be perceived as inadequate, insignificant, and above all incapable of having any calming effect. Honor to whom honor is due: the Yellow Vests claim to be an expression of the sovereign people. But they now bear a heavy responsibility.

For starters, they must announce a moratorium on demonstrations and blockades for a period long enough to accommodate the dialogue proposed by Prime Minister Édouard Philippe, if not longer. In particular, they should renounce the much-touted December 8 "Act IV" of the movement, brewing on Facebook since Saturday evening, which everyone expects to be more violent, destructive, and tragic than the preceding installments. There have been enough deaths, injuries, and damage (including to some of the most famous monuments in Paris).

If the Yellow Vests decide the machine they have unleashed has overtaken them, and they can no longer stop Act IV, they must be prepared during the protests to help the police flush out the violent "brown vests" who will be circulating among them. Because the wreckers of the far right and far left will surely reappear to vandalize, terrorize, and desecrate; it is up to the Yellow Vests to say once again, this time as if they really mean it: Not in our name. Whether the Yellow Vests declare a moratorium or continue to protest, nothing would serve their cause better than to dissociate themselves – decisively and unambiguously – from all the political profiteers who would capitalize on their misery.

The cast of opportunists is well known. Here is Jean-Luc Mélenchon, who, having finished fourth in the 2017 presidential election won by Emmanuel Macron, is desperately seeking a new following. There is François Ruffin, the leader of the anti-austerity movement Nuit debout, with his irresponsible anti-republican calls of "Resign, Macron!" And over there is Marine Le Pen, oscillating comically between taking pride in and repenting her call to occupy the Champs Élysées last Saturday, thereby becoming accountable for the worst of what was said and done there.

And there the intellectuals who, in the manner of Luc Ferry and Emmanuel Todd, suggest that it was perhaps not "by chance" that the wreckers had such an easy time approaching, storming, and sacking the Arc de Triomphe. Such rhetoric lays the worst of all traps for a popular movement: the

trap of conspiratorial thinking.

In other words, the Yellow Vests are at a crossroads. Either they will be bold enough to stop and take the time they need to get organized, following a path not unlike that of Macron's own La République en Marche!, which, in hindsight, might appear to be the Yellow Vests' first-to-arrive twin. Macron's movement, too, had right and left wings. And it knew that it was a new political body, engaging in a dialogue or even a showdown that would lead to an honest reckoning with poverty and the high cost of living. If the Yellow Vests build a movement that rises to the height of Macron's, it may end up writing a page in the history of France.

Or the Yellow Vests may turn out to lack that boldness and settle for the paltry pleasure of being seen on television. They will allow themselves to become intoxicated by the sight of luminaries and experts of la France d'en haut (elite France) seeming to eat from their hands and hanging on their every word.

But if the Yellow Vests allow passionate hate to win out over genuine fraternity and choose wrecking over reforming, they will bring only chaos, not improvement, to the lives of humble and vulnerable people. They will careen off into the darkest side of the political night, and end up in the dustbin of history, where they can rub elbows with those other yellows, the early-twentieth-century "Yellow Socialists" of the proto-fascist syndicalist Pierre Biétry.

The Yellow Vests must choose: democratic re-invention, or an updated version of the national socialist leagues; a will to repair, or the urge to destroy. The decision will hinge on the historic essence of the movement – whether its reflexes are good or bad, and whether, in the final analysis, it possesses political and moral courage.

So the ball is in the Yellow Vests' court. They have the initiative as much as Macron does. Will they say, "Yes, we believe in republican democracy?" And will they say it loud and clear, without equivocation? Or will they place themselves in the tradition of paranoid nihilism and pollute their ranks with the political vandals that France still produces in abundance?

Bernard-Henri Lévy is one of the founders of the "Nouveaux Philosophes" (New Philosophers) movement. His books include *Left in Dark Times: A Stand Against the New Barbarism*, *American Vertigo: Traveling America in the Footsteps of Tocqueville*, and most recently, *The Genius of Judaism*.

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