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CONFERENCE REPORT: A Constitutional Discussion September 20, 2011 Kabul, Afghanistan

Executive Summary

The United States Institute of Peace (USIP) convened a conference in Kabul on the Afghan Constitution titled “A Constitutional Discussion” on September 20, 2011, bringing together over 70 Afghan government officials, members of both Parliament and the Independent Commission for the Supervision of the Implementation of the Constitution (ICSIC), judges, legal scholars, representatives of both public and private universities, and international experts of comparative constitutional law to promote an apolitical scholarly debate about how the 2004 Afghan Constitution is to be understood and applied.

International experts of comparative constitutional law, Professor Tom Ginsburg of the University of Chicago and Professor Clark Lombardi of the University of Washington, drafted papers in advance of the Conference on the comparative approaches to the Afghan Constitution, which were subsequently translated and distributed among the participants. Professor Ginsburg focused attention on comparative approaches to resolving questions of constitutional interpretation considering the constitutional controversy between the Supreme Court and the ICSIC. Professor Lombardi focused attention to comparative approaches to resolving questions of conformity to principles of Islamic law considering Afghanistan's constitutional structure which is premised upon participatory democracy and constitutional commands requiring both respect for individual rights and overall adherence to the tenets of the Islamic faith.

Working groups assembled to discuss four areas of constitutional significance: Constitutional Interpretation, Separation of Powers, Fundamental Rights and Religion, and Constitutional Change and Continuity with the aim of producing an agenda for action and further study. This work is to be carried out in concert with USIP's goal of exploring and supporting ways in which to promote an Afghan-centered, apolitical and academically-oriented study and research of the Constitution. The main points of discussion were:

- Despite current demands for parliamentary system headed by a British-styled prime minister, participants insisted on a system of checks and balances predicated on a powerful unitary executive in the form of an American-style president.
- Discussing the precise constitutional roles of the Supreme Court and the ICSIC in light of the fact that inclusion of the ICSIC in the current constitution was one of political compromise rather than on structural legal issues.
- How omissions within the Constitution, such as the sole citizenship qualification for Ministers, has led to contemporary political problems.

- How political machinations have led to a series of constitutional imbalances which have favored the Executive largely to the detriment of Parliament and the Judiciary.
- How previous Constitutions have failed to deal with the precise contours of religion within the state and how a contemporary regard for fundamental rights has to be balanced with respect to the role of religion.
- The precise meaning and issues arising from Article 130, which creates legal repose for the use of Hanafi jurisprudence in the absence of law on a particular issue.
- The precise meaning and issues arising from Article 3, which declares no law may contravene the tenets of the Islamic faith, and how this Article is weighed against the role of fundamental rights and participatory democracy include the rights of women and minorities within the state.
- The precise parameters of constitutional interpretation: who decides, when it must be decided and whether one branch of government's interpretation is both exclusive and superior to the interpretations of the other branches.
- Discussion about the drafting of the current Constitution that led to the inclusion of two bodies charged with interpreting the meaning of the Afghan Constitution.
- Structural and linguistic arguments about why the Supreme Court should be considered the sole authoritative interpreter of the Afghan Constitution.
- Amending the Constitution, which requirements can and cannot be met and how.
- The Constitution should remain flexible, and that changes to it must be based on a stable and maintained legal system rather than on political whims.
- The necessity of maintaining Article 10 which states that fundamental rights should not be altered except to improve the human condition.
- Detailed discussion about the current inability to assemble a constitutional Loya Jirga as outlined in Article 110, which requires the participation of local district assemblies.
- The compatibility of Articles 3 and 4 of the Constitution, and whether Article 3, which states that no law shall contravene the tenets and provisions of Islam, contradicts Article 4, which states that national sovereignty in Afghanistan shall belong to the nation.

Intended to span two days, the Conference was cut short due to the assassination of former Afghan President Burhanuddin Rabbani and the subsequent security uncertainty and mourning period. USIP has continued work with Conference participants, however, to capitalize on momentum generated in Kabul to continue exploring ways in which to promote an Afghan-centered, apolitical, and academically-oriented study and research of the Constitution.

Introduction

While the 2004 Constitution provides a foundation for the democratic rule of law in Afghanistan, there remain several fundamental questions about how to interpret it. In fact, the

question of interpretation has repeatedly led to disputes over issues fundamental to the rule of law and governance since its ratification in 2004. In particular, Afghanistan has faced three categories of constitutional controversy: (1) which governmental entity is properly bestowed with the authority to interpret the Constitution; (2) what is the precise relationship between governance of the state and the role of Islam; and (3) what is the precise relationship between the various branches of government and the authority among them.

USIP's Constitutional Work in Afghanistan

USIP's constitutional implementation work to date has largely focused on exploring and trying to help resolve who possess the authority to interpret the 2004 Constitution. On one hand, Article 121, suggests the power rests with the Supreme Court, which reads, "At the request of the Government, or courts, the Supreme Court shall review the laws, legislative decrees, international treaties as well as international covenants for their compliance with the Constitution and their accordance with the law." Left unanswered was the Court's authority on controversies that did not directly pertain to laws, legislative decrees, international treaties as well as international covenants.

Three years after the Constitution's ratification, in 2007, the precise meaning of Article 121 was hotly debated among the three branches of government in what became known as the *Spanta Case*, in which the issue at hand was a "presidential act." Out this prolonged dispute over the presidential authority arose Parliament's invocation of Article 157 of the Constitution, which sets forth the creation of an entity known as the Independent Commission for the Supervision of the Implementation of the Constitution (ICSIC). Parliament, despite both the veto of President Karzai and a Supreme Court declaration of unconstitutionality, passed a law implementing the ICSIC in which Commissioners, appointed by the President and confirmed by the lower house of Parliament, are vested with the authority to interpret the Constitution at the request of President, Parliament, or the Supreme Court.

The Conference in Detail

To attract further attention to these and other issues affecting the current Constitution, USIP convened a conference in Kabul titled "A Constitutional Discussion" on September 20, 2011, aimed at bringing together over seventy Afghan government officials, members of Parliament, the ICSIC, judges, legal scholars, representatives of public and private universities including Kabul University, Nangarhar University, Herat University, Mazar University, Alberoni University, Khost University, and the American University of Afghanistan. They were joined by two international experts of comparative constitutional law, Professor Tom Ginsburg of the University of Chicago and Professor Clark Lombardi of the University of Washington, both of whom drafted papers in advance of the Conference regarding the various comparative approaches to constitutional questions, which were subsequently translated and distributed among participants.

Opening Remarks

The Conference began with introductory remarks from USIP Afghanistan Country Director Shahmahmood Miakhel and welcoming remarks from USIP Senior Rule of Law Advisor Scott Worden.

Miakhel discussed past Afghan Constitutions and the importance of exploring and supporting ways in which to promote an Afghan-centered, apolitical, and academically oriented study and research of the Constitution. He emphasized that the aim of the Conference was to provoke discussion among participants that would lead to recommendations for furthering an agenda for clarifying constitutional interpretation.

Worden reminded participants that while the current Constitution is among Afghanistan's greatest accomplishments since 2001, it has also been the source of some of its greatest political controversies. In particular, while the Constitution aims to build a peaceful, democratic system of government, it has spawned disagreements over the conduct of elections, the process of political appointments, and aspects of national reconciliation. He also stressed that Afghanistan's future stability and prosperity depends upon the rule of law as a basis for governance, rather than simple rule by force. Since the Constitution lays the foundation for the rule of law, the country must embark upon a clear, consistent, and enforceable process to decide who determines what the Constitution says, what it means, and how it will be implemented. He closed by reaffirming USIP's goal to engage the broader Afghan legal community about constitutional issues which will inform policy debates based on scholarship rather than politics.

Plenary Addresses

Dr. Wadir Safi, Executive Director of the National Legal Training Centre (NLTC) based at Kabul University, asserted that strengthening the rule of law in Afghanistan and ensuring overall stability requires a steadfast and practical implementation of both everyday laws and the Constitution itself. He reminded participants that ensuring the rule of law requires an equitable implementation of all laws, toward those governing as well as the governed.

Dr. Safi also expressed the need for unity among Afghans regarding the Constitution and especially within a secure arena in which debate and discussion could take place. He stated with a unity of purpose, Afghans should no longer feel the need to subscribe to external notions of what is appropriate for their country, pointing out one of the repeated failures of past Constitutions (and the regimes that operated under their purview) was the enactment of laws that contradicted existing societal norms.

Dr. Safi also asserted the current government has failed to live up to its promise because of its unwillingness (or inability) to adhere to the agreements set forth in the first Bonn conference, which has given way to political problems at the present. He also asserted the current government violates its own laws while invoking security concerns among a range of rationalizations for doing so. Finally, he reminded participants the success of any government relies upon the popular support of its people, which past regimes have historically lacked.

Professor Tom Ginsburg, an expert on comparative constitutional law at the University of Chicago presented a paper on comparative approaches to resolving questions of constitutional interpretation. He focused on how different constitutions approach considerations of standing

(who and when a claim may be brought), subject matter (the kinds of claims can be brought), powers of legislative review (political validity), powers of administrative review (is a government action valid), timing, (when can claims be brought), and effect (what is the impact of a decision). Ginsburg underscored the need for Afghans to come to a consensus on the mechanisms for resolving these disputes especially as by allocating authority between the Supreme Court and the ICSIC. This can be done by either (1) amending the Constitution, (2) dividing judicial review between laws under consideration for enactment and those laws properly enacted, and/or (3) dividing authority by the type of government action at issue, such as having one institution conducting judicial review on laws passed by Parliament while another charged with interpreting administrative actions of government.

Professor Clark Lombardi, an expert in comparative and Islamic law at the University of Washington, focused attention on comparative approaches to resolving questions of conformity to principles of Islamic law within popular political systems. He highlighted the tension between the Afghan constitutional mandate respecting liberal individual rights within a participatory democracy and its simultaneous commands requiring an adherence to the tenets of the Islamic faith. Specifically, Lombardi discussed a specific subset of judicial review, that of Islamic review: a process by which qualified courts may void any law deemed inconsistent with identified Islamic legal principles. He asserted this process can be performed in a way that both empowers the judiciary and buttresses the legitimacy of its constitutional framework and pointed to the constitutional practices of Egypt and Pakistan as examples of where the judiciary has played an integral role affirming constitutional supremacy by conducting an exacting form of Islamic review.

Lombardi also asserted that authority for a contemporary form of Islamic review can be found within both Islamic legal history as well Islamic jurisprudence generally, namely, in the need to preserve justice (*‘adl*) as well as preserving the public interest (*maslahah*). Thus, imbued with legitimacy from within Islamic law itself, the contemporary Afghan state is well-situated to further democratic aims such as protecting unenumerated rights and establishing various procedural safeguards that protect citizens from abuse by others or the state.

Consequently, for Lombardi, constitutional provisions such Article 3, which requires that no law may contravene the tenets of the Islamic faith, could be seen as a tool judges can use to help realize a harmonious compromise between Islamic legal norms, a participatory political system, and respect for liberal rights. Lombardi concluded his speech by encouraging more interaction between Afghanistan’s Shari’a and Law faculties and encouraged greater transparency in the process of judicial reasoning. Lombardi’s paper is attached as an annex to this report.

Plenary Discussion

After various the addresses, the floor was opened for discussion. In reaction to Lombardi’s comments, a participant asserted that neither Article 3, nor Article 1, (which enumerates the Islamic Republican nature of the state), could be amended. Therefore, the laws rather than the Constitution must be the target of reformulation to address any tensions between Islam and Constitutional rights. However, he noted that during the drafting process, every law underwent close and exacting scrutiny for their conformity with the Constitution, and there is no necessary contradiction.

Another participant pointed out while there was no facial discrepancy between Article 3 and Article 7, (which requires Afghanistan's adherence to international treaty obligations), one could envision contradictions with the substance of a particular treaty with classical Islamic law. In addition, it was pointed out that Afghanistan in light of Article 3's command was not in a position not subscribe to every notions of Western democracy, such as the allowance for same-sex marriage among some nations because they were antithetical to Islam, and therefore, unlikely to take root here.

Participants also discussed the differences between Egypt and Pakistan's practice of Islamic review with Afghanistan and how those systems fundamentally differed with the government in place in Kabul and spoke at length about how Islamic review would take place including the composition of those bodies deemed competent to conduct such a particular form of judicial review. Lombardi asserted Afghanistan possessed already possessed the proper ingredients for such a review with a number of scholars within the various Shari'a faculties throughout the country as well as overall structure suited to conduct such a review.

In responding to Ginsburg's assertions, one participant pointed out current controversies affecting the Constitution stem from textual changes made in course of the its drafting process, which were the product of various political, rather than legal, considerations. With regard to the issue of constitutional interpretation, the participant noted historically it was thought that a Constitutional Court would be included in the Constitution, with the sole task of interpreting the Constitution, but subsequent changes confused matters and created dual authorities in the form of both the Supreme Court and the ICSIC whereby the current Constitution sets forth *both* an American-style supreme court, and a French-styled constitutional court.

Working Groups

During the afternoon, working groups assembled to focus discussion and produce an agenda for action and further study that would promote an Afghan-centered, apolitical, and academically oriented study and research of the Constitution. The Working Groups focused on four topics: Separation of Powers, Fundamental Rights and Religion, Constitutional Interpretation and Constitutional Change and Continuity.

Separation of Powers

Separation of powers refers to the division of authority by independent branches of government, ordinarily between the executive, judiciary, and legislature. In the Afghan context, separation of powers includes the constitutional relationship between the President, Parliament, and Supreme Court; including the authority to enact laws; the appointment and confirmation of ministers, justices, and provincial officials; as well as the power to pass budgets and enforce legislative and judicial decisions; and foreign policy and treaty-making authority. The task of the working group was to discuss conceptual separation of powers relating to both the past and current Afghan Constitutions aimed at understanding current issues, and posing ways in which achieve their ultimate resolution.

The working group considered both the state of the current Constitution and its historical antecedents. Members considered the conceptual meaning of a separation of powers during the time of ancient Greece and through its contemporary incarnations, such as separation of powers within the American Constitution. In the case of Afghanistan's form of separation of powers, participants defended the structure now in place despite demands by some that Afghanistan revert to a British-styled prime minister system by asserting that Afghanistan's current needs were best met by a powerful American-styled president to ensure both order and centrality of authority. At the same time, Parliament possessed a variety of checks on executive power such as the authority to confirm presidential appointments, appropriate the national budget as well pass the nation's laws over the president's veto, if necessary. Participants conceded, however, that despite the checks and balances ordained within the Constitution, current political events have upset the balance and Parliament, in particular, has failed to its full constitutional role.

The Separation of Powers Working Group also spent time considering the differences between the two bodies contained within the current Constitution ostensibly charged with constitutional interpretation. To the members of the Working Group, the Supreme Court is the head of the judicial branch and is tasked in Article 121 with deciding legal cases that raise questions of constitutional law. The ICSIC, on the other hand, is tasked merely with supervising "the implementation of the Constitution" under Article 157. Participants asserted that Article 157 was inserted into the Constitution as a result of a political compromise during the constitutional drafting process by those both untrained in legal matters and those who did not fully envision the political and legal ramifications that would result.

Members of the Working Group, however resisted the temptation that a few isolated changes would "right" the system, arguing the theory of checks and balances required both a careful and holistic examination of the Constitution. For them, any one change of the Constitution would require examining the entire Constitution for possible the ripple effects such amendments might create. For example, if the system of government were changed from a presidential-style government to one ruled by a prime minister, other changes would need to be made to effectuate balance within the Constitution that required more than merely creating the position of a prime minister. Thus, any change, even one which might seem cosmetic in nature, requires careful scrutiny to preserve a true balance of power between the branches of government.

Discussion also centered on omissions within the current Constitution such as lack of language requiring a Minister to be a sole citizen of Afghanistan. Participants pointed the omission of such language (even though it is mentioned for offices such as the President), has spawned the appointments of various officials whose loyalties were often divided to a country other than Afghanistan and how the lack of such language fomented a lack of focus on issues which were particular to Afghanistan.

Discussions also touched upon the concept of checks and balances as practiced with Afghanistan. For example, participants cited the recent electoral controversy surrounding the 2010 Parliamentary elections and how the President repeatedly flouted the Independent Elections Commission (IEC) in favor of creating his own separate *ad hoc* tribunals (and apparently, with the blessing of the Supreme Court). Thus, the political machinations of the

President have thrown a system already out of balance into further imbalance. Despite a lengthy afternoon session, participants concluded they only scratched the surface of such issues facing Afghanistan and wanted to extend discussion beyond the the Conference to explore these issues.

Fundamental Rights and Religion

Fundamental Rights and Religion refers to the integral role of Islam in the political organization of the state, and the enactment, understanding, and enforcement of the laws of the state. Related, were questions about who is properly positioned to decide the precise role Islam may played in each. On the other hand, fundamental rights refers to basic entitlements or privileges afforded to citizens and non-citizens of a state, which include basic rights of equality regardless of gender, ethnicity, freedom of thought and expression; the right to vote in elections; and the right to own property--in sum, rights which acted as constraints on the totality of government authority.

The Working Group opened with a discussion on the failures of previous Afghan Constitutions, noting there was neither public understanding of them nor a focus within academic institutions on the role of religion vis-à-vis the state.

The Working Group next turned its attention to Article 130. As mentioned previously, Article 130 in effects creates a constitutionally enumerated legal repose in which judges, in the absence of controlling law on a particular subject, may craft a rule based upon the Hanafi school of Islamic jurisprudence. According to participants, Article 130 has interpreted this provision to justify a number of crimes not contained within the current Afghan Criminal Code, such as blasphemy. The Supreme Court has asserted when statutes have neither permitted nor prohibited such behavior, courts must inquire whether classical Hanafi jurists would punish the behavior and act accordingly. A number of participants vigorously defended the idea that Afghanistan's laws, both civil and criminal should be supplemented by rules enumerated by classical Hanafi jurisprudence. Others disagreed because it not only intruded on the legislative branch to make the laws, it also allowed the courts to create a body of law that might be contrary to international human rights law.

For some, Article 130, which mandates the inclusion of Hanafi jurisprudence in absence of a prevailing law, should only apply civil cases because of the potential for misuse by the criminal courts and, more specifically, potential violation of the principle of legality (which requires giving notice to citizens before conduct can be criminalized, and not at the bench during trial). Others contested limiting application of Article 130 since (1) Afghans, as Muslims, obtained notice of Hanafi jurisprudence through the practices of their faith; (2) assert the principle of legality is only offended when the accused is actually punished; and (3) ultimate discretion of the enforcement of Islamic law resides with judges who are not versed in the intricacies of the laws, but also the circumstances of the case and the individual. Therefore, any application of Hanafi jurisprudence would not be applied capriciously or arbitrarily.

Next, discussion centered on Article 3, which noted previously, declares no law may violate the tenets of the Islamic faith, and how it fits with popular sovereignty. Some felt that Article

3 required the state to conform its laws to Islamic law as understood by the classical Hanafi school of jurisprudence, which makes no precise allocation for popular sovereignty. Others insisted this was not the case and justified their interpretation, in part, upon the claim that while some matters were omitted from classical Hanafi jurisprudence, it did not exclude their inclusion within Islamic law citing the modern-example of international human rights as one such modern innovation.

Debate also centered on the omission within the Constitution about the treatment of non-Muslims within the state, especially when one considers that historically Hindus were afforded protections by the state.

The discussions made clear the question of how to interpret and manage the Constitution's twin commitments to Islam and fundamental human rights is particularly complex, and an issue that needs further attention through scholarly debate.

Constitutional Interpretation

Constitutional interpretation refers to both interpreting the precise language of the Constitution as well as interpreting proposed laws and those enactments for their conformity with the Constitution. Constitutional interpretation also concerns who may properly raise questions about the constitutionality of particular enactment, decree, law, or a question about the Constitution itself and which actors conduct such interpretation. In Afghanistan, this includes the particular roles of the Supreme Court and the ICSIC and which governmental actor is obliged to follow the decisions of which entity.

The Working Group on Constitutional Interpretation discussed the parameters of constitutional interpretation. Specifically, participants agreed that even if there exists one body within government to decide the meaning of the Constitution, other bodies within government—such as Parliament or the Executive—may feel compelled to interpret the Constitution to meet their own political concerns.

Participants stated the confusion surrounding the authority of the Supreme Court, under Article 121, or ICSIC, as implied under Article 157, to have a final say on issues of Constitutional interpretation is a recent phenomenon; past Afghan Constitutions named only one interpretative body: the Supreme Court.

One participant noted the drafters of the Constitution left Article 121 ambiguous, and the article was not subsequently clarified by the Constitutional Loya Jirga's Coordinating Council. Participants noted that out of the seven original articles dedicated to interpretative issues, only Articles 121 and 157 survived in their current form. As such, these articles are removed from their original context.

Others noted that in addition to a precise reading of Article 121, there is a structural argument to be made suggesting the constitutional framers intended to give the Supreme Court broad, plenary authority because of the length and depth of the articles which precede Article 121 (Articles 116-120). On the other hand, from vantage point of length and depth, Article 157 lacks the specificity and depth when compared to the articles dealing with the Supreme Court.

Another facet to the discussion focused on the precise wording of the relevant articles. For example, participants noted nowhere in Article 157 is there any mention of the word ‘authority,’ but conversely, Article 116 in particular explicitly declares the Supreme Court the highest judicial body in the land, all of which suggests the Supreme Court to be the constitutionally ordained body to interpret the Constitution.

At the conclusion of the Working Group, participants agreed that, ideally, amendments were necessary to clarify the authority of the Supreme Court and to adopt a clear division of labor between the Supreme Court and the ICSIC. However, the constitutional amendment process, laid out in the Constitution, requires the convening of a constitutional Loya Jirga, whose membership is to include both houses of parliament, and chairmen of provincial and district councils. The Loya Jirga could only convene with a quorum of 50 percent of its members. However currently there are only 385 of 789 authorized members holding office at the moment. One participant felt a natural way to interpret Constitution in this situation would be to say that the denominator of purposes of the quorum requirement is the number of officers actually elected. Thus, a quorum would be 193 of 385, rather than 395 of 789. Yet others held no amendment of the Constitution would be possible until district elections are held.

Constitutional Change and Continuity

Constitutional change and continuity refers to the subject of constitutional history, promulgation, enactment, adaptability, and the amendment within a particular state or nation. In Afghanistan, this includes the proper composition of a constitutional Loya Jirga and what opportunities may exist, if any, to amend the Constitution and what are the ways in which this can be achieved. Constitutional change and continuity also refers to areas of possible amendment including impractical provisions of the Constitution, such as the electoral calendar, and how the Constitution may be altered to suit the efforts at peace and reconciliation with the insurgency.

The Constitutional Change and Continuity Working Group centered their initial discussion of the necessity of review and amending the current Constitution. Underscoring that the Constitution should remain flexible, and changes to it must be based on a stable and maintained legal system rather than on political whims, the group emphasized it should also further principles of justice and reflect the demands of the people. The Working Group reiterated the sentiment of Article 10 of the Constitution, emphasizing fundamental rights should not be altered unless they could be used to improve the human condition.

Discussion also centered on the process to amend the current Constitution. In particular, invitees discussed what they considered the single most important obstacle to constitutional change: assembly of a constitutional Loya Jirga as outlined in Article 110. In particular, the discussion focused on Afghanistan’s present inability to meet the requirements of Article 110, which require the participation of local district assemblies, which have not been elected due to a host of reasons. Thus, proper legal change to the Constitution cannot take place without district representatives.

In addition, discussion also focused on the compatibility of Islam and democratic principles. In particular, the group debated whether Article 3 contradicted Article 4, the latter of which

states national sovereignty in Afghanistan shall belong to the nation, manifested directly and through its elected representatives. In other words, participants debated whether there is a fundamental incompatibility between Islam and popular sovereignty, more specifically, democracy itself. While there was some division, discussion leaned toward finding ways to reconcile Islam with democracy and that at a fundamental level, the two principles were not at odds with one another or mutually exclusive.

Conversation later turned to constitutional adherence in the case of Presidential elections -- foreseeing that in the 2014 elections President Karzai's second term lapse before elections are conducted.

The Working Group concluded its session with a brief discussion about specific proposals for change to the current Constitution. First, they suggested that to comply with the dictates of a constitutional Loya Jirga, they would need to tackle the issue of electing district assemblies. Second, the Constitution needed to be amended to specify the threshold needed by a Member of Parliament to be elected into office (presumably this would be added to Chapter 5). Finally, most participants conceded that while the prospects of amending the Constitution could lead to insecurity in the short term, if district councils were elected and peace negotiations successful, a more secure environment could emerge in which real prospects for concrete constitutional change could be realized.

Next Steps

Since the conference USIP has continued to work with participants to build on momentum generated in Kabul to continue exploring ways in which to promote an Afghan-centered, apolitical and academically-oriented study and research of the Constitution. USIP conducted outreach to conference participants to capitalize on momentum generated during the conference and to gain feedback and hear thoughts about future plan of action and collaboration

USIP has signed a tentative agreement with the Government of Afghanistan's Academy of Sciences, a research-oriented institution created by the Government of Afghanistan, as its partner for continued research and analysis of constitutional issues. We await formal ratification of the agreement by instruments within the Government.

USIP's partnership with the Academy will likely engage academics and independent legal experts in substantive discussion, debate, and published papers about current issues of constitutional study and serve as a forum for Afghan constitutional discussion and analysis.