Geography-Based Components in the New Constitution of Afghanistan and Iraq

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Extended Abstract

1. INTRODUCTION

After 11th September and providing background for thoughts of new conservative strategists, doctrine of changing regimes for omitting governments which were against hegemony of the USA, was focused by national security of America. New conservative decision makers with focusing on strategy of changing regime omitting contestant and bankrupt governments and creating substitute states were entered to operational field of foreign policy. They did the first step by broad military invasion to Iraq and Afghanistan. The process of codifying new Constitution in Afghanistan was begun in 2004 and in Iraq in 2005. Codifying and writing new Constitution was a content matter, in addition to a formal and figural affair, and it was the most important issue. It showed that chains of occurrences were impressive and they created the new condition which needs to both establishment of a new society on ruins of pervious situation, and a new constitution. The reason was that basically context of Constitution contains bases which formed skeleton of a new structure. In this structure regulations are defined, founded, and codified which help to systematize obedient and ruler union in one hand, and help to transition and administration of regular power in different levels, on the other hand.

2. THEORETICAL FRAMEWORK

Regulating Constitution is defined as founding after rejecting past and pervious political system. This foundation is an intellectual action because wisdom is stipulated as criterion of determining characteristics of new political system. On the other hand, regulating Constitution is a phenomenon towards evolving political and legal process and towards international process of a political tradition or phenomenon which belongs to evolving or propagation of an international political culture. In this process values and bases which originated from historical experiences of a social country (countries) and were formed in the same historical

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framework, Goe from one country to another and are generalized through this transition. It means a legal system is emerged which other countries then enter the same system in their political culture and they try to organize a new political system based on it. There fore, Constitutions are collection of governing techniques which stabilize governing in relation to each other. Origins of Constitutions are like some interdependent collections of thoughts and devices for handling a modern society. As a result, Constitutions are basically modern phenomena which are rooted in a special political thought.

3. METHODOLOGY
The present study was written with using the ides which was discussed in “space and policy”. In this study, it is talked about geographical indices of Constitutions and impressibility of national institutions from geographical background. The main question is that how the geographical elements and context have been reflected in the text of new Constitutions of Iraq and Afghanistan. In a descriptive research (based on comparative method (the author has tried to answer this question based on the first type of research.

4. DISCUSSION
Geographical bases in Constitution of Iraq
In the introduction of Constitution of Iraq there is a special view about category of land as a geographical integrity. In article one: republic of Iraq is an independent and autonomous country which its governmental system is democratic, federal parliamentre public. In article 2 Islam is formal religion and the main sources of lawgiving. In institute 3, Iraq is seen as a country which has different races and religions. Geographical signs and symbols have been represented in new text of Iraqi Constitution in a natural manner. For example in article 4 Arabic and Kurdish are formal languages of Iraq. In article 65, the president is head of the country and symbol of national unity. In article 107 of new Constitution of Iraq, federal officials are keeper of unity, integration, independence, autonomy, and federal democratic system of Iraq. In article 113, the federal system of Iraq republic consists of a capital, several area and non-centered province, and local offices.

Geographical bases in Afghanistan Constitution
In the first article, geography has presented itself with the statement that Afghanistan is Islamic republic, independent, unite, and inseparable. In the fourth article of Constitution the national autonomy belongs to Afghan nation. In the fifth article defending independence, nationalautono my, integrity and providing security and defense ability are among main duties of the state. In the 8th article, the state must regulate foreign policy of the country based on preserving independence, national profits, integrity, laisser fair, well –neighboring, mutual respect, and equity. In 63th article of Constitution the president before undertaking his position according to special way which is regulated by law......and the capital
of Afghanistan is Kabul. In 16th article among languages such as Pashto, Dari, Uzbek, Turkmen, Baluch, Pashe, Noorestani, pamiri, and other languages Pashto and Dari are formal languages.

5. CONCLUSION
Sadam's military and strongly magisterial state was rebellious state which impeded any types of reformation in Iraq. Taliban' unsuccessful state caused war and unrest. It has lost its power of governing the country. Tribal and religious geography in Iraq has conquered federalism on context of Constitution of Iraq which is a geographical field itself. Other geographical backgrounds were borrowed from the same old traditional of writing Constitution. In Afghanistan integrity of geographical diversity has been determined but the state is also integrate and abroad. In Constitution of Iraq the component of land with all his antiquity which returns to Mesopotamia in civilization became the main matter, because in Iraq history and land have proceeded together. In Constitution of Afghanistan, however, the element of geography is not mentioned and what there is about geography in context of constitution is reference to tradition of writing Constitution in which appropriateness of new era has been noticed.

Keywords: Geography, Constitution, Constitution of Afghanistan, constitution of Iraq.

References


