



**Align International Efforts with Local Traditions,
UN Secretary General Says in Address to Conference on
Justice and Rule of Law in Afghanistan**

On 3 July 2007, Rome Conference saw the Afghan Government committing itself to implementing comprehensive rule of law reform, and the international community to supporting this with some \$360 million in funding. In the next three months the Government will finalize a justice sector strategy. Rule of law reform will be implemented through a National Justice Program to be developed by the Government with help from the World Bank among others.

Following is the text of UN Secretary-General Ban Ki-moon's address to the conference on justice and rule of law in Afghanistan, held in Rome today, 3 July:

Let me begin by thanking my friend, Foreign Minister [Massimo] D'Alema, and the Government of Italy, led by Prime Minister [Romano] Prodi, for hosting this conference. This is my second trip to Rome as Secretary-General and, once again, I am overwhelmed by the warmth of the welcome. I know it reflects Italy's commitment to a successful conference and to a peaceful and prosperous Afghanistan.

When I visited Kabul last week, I had the opportunity to meet with President [Hamid] Karzai and members of his Government. I was heartened and moved by their commitment and courage, but I also share their profound concern over the challenges still confronting the country. I am pleased to see President Karzai among us today, as we gather to renew and reinforce our international partnership to rebuild Afghanistan.

Five years ago, shortly after the Bonn conference, Italy agreed to lead the rule-of-law assistance process in Afghanistan. Decades of conflict in that country had left a devastating mark. Institutions were destroyed, authority was divorced from legitimacy and the rule of law flowed from little more than the barrel of a gun. I am grateful to your Government for boldly agreeing to help Afghanistan back from this brink, and for its work ever since to establish the foundations of law and order.

Italy has led this charge from the front, but it hasn't done so alone. Indeed, this conference is proof of the tremendous international partnership devoted to empowering Afghanistan in the community of nations. I hope that, by the end of this conference, we can agree on the establishment of an Afghan-led comprehensive monitoring and evaluation system for the justice sector.

Much rests on the success of this conference. The ability of the Afghan State to define laws covering domestic, criminal, land, tax, contract and commercial issues will determine the shape of Afghan society for decades to come. These codes will be the source of justice in a land that has for too long suffered from its absence.

Afghanistan's long night of injustice is nearing its end. Now, we must herald the rule of law and the era of the Afghan citizen.

Three key ingredients are necessary to make this new age a lasting one:

First, the international community's efforts must align with Afghanistan's own vision and national traditions. We must trust our Afghan partners as they attempt to reconcile their culture with positive law. At the same time, we must never hesitate to provide sound counsel when it is appropriate. This conference is vivid proof of our unity and partnership, bringing together President Karzai, NATO Secretary-General [Jaap] De Hoop Scheffer, Commissioner [Benita] Ferrero-Waldner and other high-level representatives of the international community.

Second, Afghanistan's efforts to foster the rule of law must flow from credible institutions. Ultimately, the country's institutions must develop and manifest the law. This requires resources and training. And it requires a population which believes the law is on its side, that it is blind and that it cannot be corrupted.

Third, Afghan leaders have to muster political will behind the rule of law after decades of neglect. This may mean surrendering power or compromising strongly held positions. The establishment of rule of law means that not everyone can win, but it does require that the contest is fair and the judge impartial.

The international community has to help realize these conditions. We must speak with one voice for the rule of law, peace and security in Afghanistan. And we must back up our words with strong and sustained financial support, understanding and, above all, patience. Building national institutions takes time, but we stand with our Afghan partners for the entire length of this journey.

Here, let me make particular note of the work of one of Afghanistan's youngest national institutions, the Independent Human Rights Commission. Set up by the Bonn Agreement, this constitutionally protected body has rapidly become Afghanistan's voice of conscience. Its documentation of human rights abuses ensures that past crimes will not be forgotten. Its promotion of human rights norms brings us ever closer to a day when the law is Afghanistan's one and only authority. The donors who continue to support the Commission deserve our gratitude. And the courage and independence of its Commissioners have earned them our profound admiration.

The Independent Human Rights Commission has also documented distressing instances of civilian casualties resulting from the operation of international forces. We all recognize that the ongoing anti-Government insurgency threatens the very foundations of the Afghan State and that it must be defeated. But, in countering it, Afghan and international forces have to act strictly in accordance with international humanitarian law. However difficult this may prove against a shadowy and unscrupulous adversary, we simply cannot hide from the reality that civilian casualties, no matter how accidental, strengthen our enemies and undermine our efforts.

Finally, we must do better by Afghanistan's women. They suffer disproportionately from a failing justice system. I know that the reasons for such inequality are great and complex. But justice denied to Afghanistan's women is justice denied to all Afghans.

On this crucial point, the Afghan Constitution could not be clearer: "The citizens of Afghanistan -- whether men or women -- have equal rights and duties before the law." Afghan history also bears testimony to the high price paid by women during the long battle to maintain Afghan independence. Now, an independent nation owes its women their due.

Those who kill or debase women simply because they dare speak their mind or demand their rights must find no quarter in a just and free Afghanistan. Those who would treat women as personal property or approach marriage as a financial transaction must be dealt with firmly by the law. Above all, Afghan society must confront those who dishonour women in the name of honour.

These are real challenges with no immediate solutions -- Rome, as they say, was not built in a day. The solutions cannot be immediate, because they must come from within Afghanistan. They must be the product of an Afghan consensus. Afghanistan today is both an ancient nation and a young State. Its long tradition of independence has always rested on a balance between the finest of the ancient and the best of the modern. The Afghan Constitution codifies this balance. The rule of law flowing from this Constitution must embody it.

We must take heart from the confidence expressed by the Afghan people in our collective efforts. We must not forget that the millions of Afghans who participated in the constitutional process, and who risked their lives to vote in two separate elections, were expressing an unambiguous aspiration for the rule of law. Despite the dissatisfactions, the complaints and the continuing insurgency, we should never doubt the overwhelming support of the Afghan population.

Afghanistan has emerged from the shadows of despair; it is travelling towards peace and prosperity. This is a difficult road. It is a demanding path. And there surely remains much heartache along the way. But this is also a journey worth making -- not just for the Afghans, but for all of us, and for the international community we represent.

So, dear friends, ladies and gentlemen, let us all join hands with President Hamid Karzai and his Government and people; let us help them build an Afghanistan that truly reflects the talents, vision and courage of a great nation and a remarkable land.