

Assessing the Initial Responsibilities of the Afghan Government for Mitigating Climate Change, Effects and Harms

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ABSTRACT

Long-term instability, lack of rule of law, rampant corruption, and weakness of governments and so on was something, that affected combating climate change, and because of this, droughts, water reservoirs, various diseases, reduced food security, floods, rising temperatures, and other incidents have caused problems the lives of people. In this study, the initial responsibilities of the Afghan government for mitigating climate change, effects, and harms have been investigated, to effectively combat climate change, attract international aid, and save the people from serious problems. The research is qualitative, utilizing structured interviews and employing the judgmental non-probability sampling method. And the data were analyzed Thematic. The findings show that the Afghan government has the responsibility to enact comprehensive laws and seriously implement them, to mitigate climate change, sign international agreements and join respective conventions. In addition, organize continuous public awareness programs, and pay attention to crucial means that affect climate change, such as protecting forests, preventing pollution from factories, and well management of water resources. Also, take steps to prevent displacement and serious measures for the basic rights of internally displaced people caused by climate effects.

Keywords: Climate Change, Law, Legal Responsibility, Pollution

INTRODUCTION

Climate change is an important international issue of the present time, which has caused problems in normal human life and various weather events. So the state cannot fight it alone because the effects of pollution in one country also affect another state. The term climate change and the term global warming are used interchangeably (Matawal & Maton, 2013), Caused by human activities (Karl & Trenberth, 2003). The UN Convention on Climate Change of 1992 defines climate change as "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable periods". The main cause of climate change is the rise of greenhouse gases into the air, which are produced by human activities, such as burning fossil fuels and cutting forests, which affects various aspects of human life, such as health, infrastructure, agriculture, water resources, and air (Ab Rahman et al., 2023). Causes floods, increased temperature, food insecurity, droughts (Caney, 2015), increased river levels, heavy rains, and thunderstorms (Kehinde & Abifarin, 2022). Important international legal documents for climate change are included the 1992 Climate Change Convention, the 1997 Kyoto Protocol, and the 2015 Paris Agreement (Md & Kazi, 2023). The Climate Change Convention obliges all rich countries to provide financial support to developing countries, environmentally sound technologies, and contributions to climate change (UN Framework Convention on Climate Change, 1992). The Kyoto Protocol also puts a heavy burden on the industrialized countries because they are the main liable for the current situation of climate change. (Kyoto Protocol, 1997). The Paris Agreement aims to increase the ability to deal with the impacts of climate change based on an advanced framework of appropriate financial flows, technology, and capacity building (Paris Agreement, 2015). These documents also focus on human rights in addition to combating climate change (Carlame, 2020). In terms of mitigating climate change, according to the records of the 2020 World Climate Change Database, 1800 laws and policies related to climate change have been established in the world and there is still no country in the world that does not have Climate change laws (Voigt, 2020). Accordingly, the purpose of this research is to determine the initial responsibilities of the Afghan

government, for mitigating climate change, effects, and harms, to be fulfilled as a member of the international community.

MATERIALS AND METHODS

The research is qualitative, utilizing structured interviews and employing the judgmental non-probability sampling method. Interviews were conducted with individuals deemed by the researcher to possess ample knowledge and teaching experience in law and governance. Special emphasis was placed on selecting lecturers teaching environmental law at the university level. Thirteen interviewees participated, with one interview conducted face-to-face and others via WhatsApp. Thematic data analysis was employed for a comprehensive exploration of participants' perspectives.

RESULTS

To mitigate climate change, its effects and harms, the Afghan government needs legislation, strive to comply with international agreements, launch public awareness programs, look at climate change mitigation tools (forests, factories, and water sources), prevent displacement, take action to protect the basic rights of the internally displaced people and appoint competent professionals to relevant institutions. To clarify all these liabilities and ways of doing them, we will discuss each one in order:

Legislation

To mitigate the effects of climate change and to prevent damages, a major liability of the government is to enact laws in this area, although there are already a series of laws, with the establishment of a new government, with the decree of Amir al-Mu'minin, all laws have been declared null and void. There are two ways, enforce existing laws after necessary amendments or enact new laws.

Hakimuddin Manzanay stated that: "Since the issue of climate change has recently become very dangerous and heated, it is necessary that either on the one hand, every part be regulated in a special law or the existing laws may harmonize with the current conditions and international documents". (Hakimuddin Manzanay, online interview, November 14, 2023). All the respondents agree with the importance of laws in this regard.

Mairajuddin Aminzai express his reservation: "The initial responsibilities of the government are to enact standard laws, rules, and regulations for all those areas which affect air, climate, and living environment negatively. and to implement them correctly" (Mairajuddin Aminzai, online interview, November 28, 2023). In terms of climate change, the Law on Managing the forest Affairs, the Law on Managing the Water Affairs 1399, the Law on Environmental Protection, the Penal Code, the Regulation of Groundwater Management, the regulations on the assessment of environmental and social impacts of life are the existing null and voided laws (Collection of Laws of Afghanistan, 2006).

Signing International Agreements, Membership, and Complying

Other respondents and Mairajuddin Aminzai argue here again: "The government of Afghanistan should create bilateral and multilateral agreements with other countries, to combat climate change, and also be a member of all those international legal documents and conventions, To combat climate change and fulfill the obligations arising from these documents in a good manner" (Mairajuddin Aminzai, online interview, November 19, 2023). Abdul Hadi Zamani stated that: "The government should consider a specific budget every year. For the budget, they can even ask for international help. I think the UN provides financial assistance to countries in this regard" (Abdul Hadi Zamani, online interview, November 16, 2023).

Conducting Public Awareness Programs

One of the fundamental causes of environmental pollution is the lack of public awareness, which contributes to the increase of climate change. the government can reduce the effects of climate change and the level of harm by providing awareness to the people in different ways.

Hashmatullah Rahmati and other respondents stated that: "Public awareness has a very crucial role in this regard, the government should keep the environmental protection committees active in universities and schools and give them programs, In addition, Islamic scholars should clarify the responsibilities of the people related to environmental protection in the mosques. Moreover, the media can play a significant role in the regard" (Hashmatullah Rahmati, online interview, November 14, 2023). Cheap, easy, and effective sources for public



awareness are universities and schools, whose environmental protection committees should be obliged to organize public awareness programs continuously. In addition, because we live in a religious society, people listen to and accept the words of Islamic scholars, so they can have an important role.

Abdul Hadi Zamani stated again: “The government can design and implement short and long term programs in this area, such as training, academic conferences, workshops, brochures, boards, television and radio programs, and so on (Abdul Hadi Zamani, online interview, November 16, 2023). Television and radio programs can also help to mitigate climate change, especially by creating simulation programs to know the public. The benefits of simulation are that, the people will eagerly see/hear it and the message will also be delivered to them.

Attention to Climate Change Mitigation Measures

According to the responses of the respondents, to reduce climate change and its effects, it is useful for the government to pay attention to the means that can help, discussed as below:

Protection of forests and forestation: The most important task for mitigating climate change is the protection of existing forests. Mulla Jan Alkozai and other respondents argued: “The government is responsible for maintaining forests from destruction or cutting down, they should hire individuals to avoid cut down these forests. the forest destruction or cutting down perpetrators should be punished. severely”. (Mulla Jan Alkozai, online interview, November 22, 2023). Ruthless deforestation and its massive smuggling in Afghanistan is something that has been done in front of the public eyes. the previous governments have failed to stop it, and even if the current government does not enact clear criminal laws in this area, it will be difficult to prevent it.

Shah Mahmood Ehsaas adds that: “To protect the forests, a special unit should be established at the national level for the security of these places. Elsewhere, the forests should be turned into national parks. It will help in awareness of citizens and understanding the importance of it, in addition, to avoid its cutting them down” (Shah Mahmood Ehsaas, online interview, November 28, 2023). According to the information of the researcher, the current government has taken a series of measures in the field of deployment of security forces to protect the forests, but they are few. These measures should be expanded and more serious.

It is also useful for the government to take measures for the construction of new forests. Ahmad Gul Wasiq stated that: “The government needs to take action to create new forests, in this case, they can get help from the people and the private sector. For instance, the government can make it mandatory for every construction company to plant at least five trees and their maintenance for a certain period as a condition of the contract. Also, I saw in foreign countries that there are professional forest monitoring teams, that go around to see what disease a tree has, they immediately diagnose the problem and take necessary measures; To prevent the forests and trees from drying up, the Afghan government can follow these experiences” (Ahmad Gul Wasiq, interview, November 21, 2023). With mitigating climate change, forestation can play a significant role in improving the fertility of the country and attracting tourists.

Samiullah Sapi express his opinion as: “{...}. The government should determine the duties and liabilities of them and the people regarding forestation in the laws” (Samiullah Sapi, November 28, 2023). For forestation, the people close to each place are obliged to plant trees in their name in a certain area every year, and everyone will take care of them until they arrive. Encouraging government officials, civil society, and public figures to help the government will be greatly helpful in this regard.

Water Resources Management: Other experts in the field and Mula Jan Alkozai say that: “The construction of water dams and canals as well as its professional distribution to agricultural lands is the liability of the government, and it is important for protection water resources” (Mula Jan Alkozai, online interview, November 22, 2023).

Abdul Wali Atif stated that: For the survival of water, small pits should be built in the areas where it snows so that the groundwater remains sustainable. (Abdulwali Atif, online interview, November 29, 2023). With the increase of drought in Afghanistan, people have started drilling deep wells to draw water from them without any additional consumption based on solar energy. It causes wasting water, also, due to the lack of an organized system of clean and healthy water, every person is forced to dig a deep well in his house. and many people have installed a submersible. For this, it is necessary for the government to establish laws in this area, as well as to establish a regular system for distribution of healthy water in every region with the cooperation of the people.

Prevention Of Pollution Caused By Factories: Pollution caused by factories is more common in underdeveloped countries due to the lack of rule of law, limited opportunities, and overall weak governments.

Abdul Hadi Zamani once again adds that: “The production factories should be moved away from residential areas, {...} and electricity dams should be built in the country. To use electricity instead of oil, gas, and other harmful substances.” (Abdul Hadi Zamani, online interview, November 16, 2023). In Afghanistan, even though industrial towns have been built, however some factories are still built inside the city or near residential areas. In addition, factories release gases into the air. The government needs to make a comprehensive law in this area and implement it seriously.

Preventing Displacement of People and Protection of The Fundamental Rights of Internally Displaced People

With the increase of climate change, unseasonable rains and floods are increasing. Due to long-term wars, usurpation, and lawlessness in the country, many people are living in the path of the flood, and any measures have not been taken in this regard in the country. This is why internal displacement occurs. Not only floods but also droughts are another cause of internal displacement.

Regarding the liability of the government in preventing internal displacement, Tariq Hilal and others say: “{...} it is better for the government that, the people who are facing the threat of flood, may transferred to areas that are safe from this threat. Making a special strategy in this regard will prevent many problems” (Tariq Hilal, online interview, November 13, 2023). To avoid this, The People and construction companies should be obliged to avoid the construction of houses against the principles of the government. For this, the government should create a comprehensive law and implement it seriously.

Regarding the responsibilities of the Afghan government for the protection of the fundamental rights of internally displaced people, Samiullah Sapi and others say once again: “The Afghan government should mark in advance the areas to which the people migrate and consider the schools, wells, and food supplies there and also prepare a plan regarding the availability of hospitals” (Samiullah Sapi, online interview, November 28, 2023).

Miarajuddin Aminzai once again adds that: In this regard, the government can attract the help and cooperation of the organizations of the United Nations and other international charitable organizations and create the necessary understanding and agreements with these organizations and other charitable organizations. Through media, they run general campaigns to help the displaced and attract the help and cooperation of citizens, especially the wealthy and businessmen (Miarajuddin Aminzai, online interview, November 19, 2023). The issue of the fundamental rights of internally displaced people is one of the basic government liabilities. According to the researcher, if the government gives wide media coverage to the issue of internally displaced persons, it can attract enough foreign aid.

DISCUSSION

The fundamental responsibility of the Afghan government for mitigating climate change, effects, and harms is enacting laws (Mairajuddin Aminzai, online interview, November 28, 2023).. Now the old laws have been declared null and new laws have not yet been enacted. The respective governmental administration and people do not know their Liabilities in terms of interaction with climate change. In addition, the government cannot combat climate change alone, it is necessary to enter into climate change agreements and create new agreements to attract the help of the international community. The role of people in mitigating the effects and harms of climate change is very important because climate change is caused by people through their activities, to know them it is another liability of the government to conduct regular public awareness programs. Islamic scholars, schools, and universities can play a crucial role in these programs. Forests have a very important role in mitigating climate change, the government has to take care of the existing forests through professional and security teams, prevent the trees from drying up, and punish those who cut them down. And bring the forestation to their priorities (Ahmad Gul Wasiq, interview, November 21, 2023). Well, management of water resources to prevent drought and setting rules and conditions for factories to prevent pollution are other liabilities of the government. Moreover, it is necessary to take measures to prevent the displacement of people, and in the case of internal displacement, the government is responsible for preventing humanitarian disasters, by providing health services through traveler health teams, food, healthy water, and other basic aids. It is helpful for the government to have good cooperation with international organizations in this regard.

CONCLUSION

The findings of this study show that the government can combat climate change by enacting and serious implementation of various laws such as environmental protection, forest protection and forestation, water resources management, and other laws. By this, the government does not fulfill its responsibility for the safety of the people, also fulfills its international responsibility as a member of the international society, through which they can also receive assistance from the funds allocated to combat climate change.

Conflict of Interest: All authors express no conflict of interest in any part of the research.

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