

An Assessment of Afghanistan Legislative Efforts in Relation to International Environmental Commitments

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ABSTRACT

Afghanistan formally joined the United Nations in 1946 and remains is a strong participant in this important organization, particularly in the United Nations Environmental Program. Afghanistan signed the (CITES) of Wild Fauna and Flora on October 30, 1985, as part of its commitment to environmental Protection, in 2006 Afghanistan enacted an Environmental Law. My research is based on librarian methods which depend on national and international materials, and has exhaustively analyzed the international treaties that Afghanistan has ratified, as well as its environmental legislation. In addition, to approach its international duties, the country formed a National Environmental Protection Agency and adopted a special law for the protection of the environment. Furthermore, Afghanistan has established six regulations at a lower legislative level to effectively address environmental issues. The government has also included environmental crimes in its penal law, including punishments for such offenses. However, while Afghanistan has made efforts in terms of environmental legislation and involvement in international treaties, there are certain shortcomings. The Afghan government's commitment to international environmental and climate change duties looks insufficient, and its legal efforts fall short of the mark. Furthermore, international cooperation in this area is limited. Finally, it is suggested that the Afghan government enhance its participation in international treaties and conferences concerning the environment and climate change. Afghanistan should broaden and speed up the legislative process to achieve its environmental legal duties, while also upgrading its efforts in the sphere of environmental conservation and climate change mitigation.

Key words: Afghanistan, Convention, Environment, Climate change, Legal efforts

INTRODUCTION

The environment is critical to human life, and guaranteeing its safety and preservation from the effects of climate change is critical. To achieve this goal, governments must act consistently and decisively at both the international and national levels, adhering to defined legal frameworks and passing relevant legislation. These regulations must be amended on a regular basis to reflect growing environmental challenges and international climate change treaties. This study focuses on the international documents that Afghanistan has signed on environmental issues and climate change. The study intends to examine the extent of Afghanistan's legislative efforts within the framework of these treaties by analyzing these treaties. It aims to assess Afghanistan's development thus far and highlight areas where more effort is needed.

We hope that by conducting this research, we will be able to throw light on Afghanistan's pledges and efforts to address environmental problems and climate change. Afghanistan must keep current and in line with international standards and best practices. This would allow the country to effectively meet its duties while also contributing to global efforts to safeguard the environment and mitigate the effects of climate change.

Environment, International Law, and Afghanistan

The concept of the environment involves more than just one's immediate surroundings. It includes all natural resources and their interactions with one another as well as with humans and animals. This encompasses physical, cultural, and aesthetically pleasing components that have an impact on health and safety (Environmental law: 2006). Recognizing the need to maintain the living environment and combating climate change, the international community and individual nations have taken proactive actions by forming institutions, adopting laws, and putting procedures in place.

Over the last 35 years, about 700 multilateral treaties addressing environmental challenges have been signed by countries and international organizations. As an active member, Afghanistan demonstrates its commitment to engaging with the world community on issues concerning the environment and international climate change. In recent decades, Afghanistan has become a signatory to a number of important treaties relating to the environment and worldwide climate conditions. Because these treaties are governed by international law, Afghanistan is required to sign and ratify them. Afghanistan signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora on October 30, 1985, and became a party on January 28, 1986. Afghanistan signed the Climate Change Convention on June 12, 2002, and became a party to the convention on September 19, 2002. Afghanistan signed the Convention on Combating Desertification and the Biodiversity treaties on November 1, 1995, and joined these treaties on September 19, 2002. Afghanistan signed the Convention on the Protection of Migratory Species of Wild Animals in 2012, and the convention was later approved by the parliament in 2013 (Hasht-e Subh Daily, 2017).

International Environmental Obligations and Afghanistan's Legal Efforts

International environmental laws and treaties describe governments' responsibilities in a variety of areas, including the passage of laws and regulations to address environmental and climate change challenges within their individual countries. The United Nations Framework Convention on Climate Change, for example, emphasizes the significance of effective environmental legislation, stating that environmental standards, management objectives, and priorities must be aligned with the specific environmental and developmental context (United Nations Framework Convention on Climate Change, 1992).

Furthermore, as previously stated, the other treaties to which Afghanistan is a party emphasize the necessity for states to develop rules and regulations targeted at mitigating environmental concerns. We will study each of these issues in depth to assess Afghanistan's level of commitment to these international commitments and the amount to which it has developed and adopted laws, rules, and regulations.

Laws

The Afghan government, as stated in the first chapter of the 2004 Constitution, is committed to environmental and forest protection. Article 15 of the Constitution expressly stipulates that the government must take the appropriate steps to protect and improve forests and the environment (Afghanistan Constitution: 2004). According to this article, the Afghan government passed the Environmental Law in 2006, which consists of 9 chapters and 78 articles (Environmental law: 2006). This legislation includes a variety of environmental provisions, as well as the rights and obligations of both the government and residents. The primary goal of this law is to protect human, animal, and plant health, as well as to preserve the environment for current and future generations. Furthermore, in 2017, Afghanistan approved the Access to Information Law, which consists of 6 chapters and 41 articles. This law emphasizes the government's responsibility to deliver timely environmental information to the public (Access to information law: 2017). Furthermore, significant progress was made in the criminal justice system concerning environmental issues in 2017. Article 838 of the Penal Code was added, making environmental offences punishable (Criminal Code: 2017).

Regulations

In addition to the Environmental Law, the Afghan government has enacted six regulations addressing environmental and climate change concerns. These regulations provide a specified structure for dealing with these challenges. One of these regulations, the "Regulation to Reduce and Prevent Air Pollution" that is consist of four chapters and thirty-seven articles (Regulation to Reduce and Prevent Air Pollution: 2017), focuses on battling air pollution and has the potential to greatly contribute to environmental protection and climate change mitigation. The "Regulation of Social and Environmental Impact Assessment," which consists of twelve articles and three chapters (Regulation of Social and Environmental Impact Assessment: 2007), is another regulation on the list. This regulation's principal goal is to examine the environmental impact of various operations. Similarly, the Afghan government passed the "Medical Waste Regulation," which is divided into five chapters and twenty-five articles (Medical Waste Regulation: 2007). This legislation seeks to avoid and manage waste in medical and healthcare facilities, promoting a clean environment within these facilities.

The "Noise Pollution Prevention and Reduction Regulation," designed and confirmed in four chapters and twenty-six articles, addresses noise pollution (Noise Pollution Prevention and Reduction Regulation: 2017). Furthermore, the president has authorized a regulation concentrating on water quality control called as the "Water Quality Monitoring and Control Regulation," which consists of four chapters and thirty-seven articles (Water Quality Monitoring and Control Regulation: 2017). Finally, the "Ozone Regulation," which consists of three chapters and eighteen articles (Ozone Regulation: 2006), addresses ozone protection. These regulations help the Afghan government protect the environment, mitigate climate change, and address specific environmental concerns such as air pollution, social and environmental impact, medical waste, noise pollution, water quality control, and ozone protection. In addition to these laws and regulations, the Afghan government has established a large number of policies, guidelines, and procedures for environmental protection and safety in order to better address environmental problems, the mention of which will lengthen this research.

RESULTS

The examination of this topic revealed that Afghanistan is a signatory to a number of international treaties affecting the environment and climate change. By signing and ratifying these treaties, the country has proved its commitment. Furthermore, in order to meet its international obligations, Afghanistan has formed a national environmental protection organization within its borders. A law has been enacted to handle environmental protection. On a more detailed level, Afghanistan has put in place six regulations to govern environmental issues. Furthermore, the country has incorporated environmental crimes into its penal code, with appropriate sanctions for such offences.

DISCUSSIONS

Afghanistan has signed international treaties as a part of this environmental framework but they have to increase their participation in international treaties. Secondly, Afghanistan has a national environmental agency but it does not have enough budget to perform the duties. The government must support this agency. Thirdly, Afghanistan has legislated environmental laws and regulations, these laws and regulations are in a pending situation, null and also aren't updated with the current circumstances and environmental changes.

CONCLUSION

Based on this investigation, it is clear that Afghanistan has to align itself more closely with the international legal framework in terms of environmental challenges. Domestically, the country's legal system needs be strengthened in order to properly address this issue. In particular, the protection of the environment and climate change should be incorporated into a dedicated criminal legislation, and Afghanistan's obligations in this regard should be updated.

Acknowledgment: I express my gratitude to Alfalah University for providing support and resources, that have facilitated my research endeavors.

Author Contribution: Present research paper is the result of myself endeavors, and doesn't involve other authors.

REFERENCES

- Access to information law 2007. (2007). Retrieved from <http://mof.gov.af>.
Criminal code 2018. (2018). Retrieved from <http://old.moj.gov.af>
Environmental law 2006. (2006). Retrieved from <http://library.darakhtdanesh.org>.
Hasht-e Subh Daily 2017. (2023 Dec 30)
Medical waste Regulation 2007. (2007) Retrieved from <http://law.acku.edu.af>.
Regulation of noise pollution 2017. (2017). Retrieved from <http://www.nepa.gov.af>
Regulation of ozone 2006. (2006). Retrieved from <http://law.acku.edu.af>.
Regulation of reduce and prevent air Pollution 2018. (2018). Retrieved from <http://www.nepa.gov.af>
Regulation of social and environmental impact assessment 2007. (2007). Retrieved from <http://momp.gov.af>.
Regulation of water quality control and supervision 2017. (2017). Retrieved from <http://law.acku.edu.af>.
The constitution of Afghanistan 2004. (2004). Retrieved from <http://www.moj.gov.af>.
United Nation Framework Convention ON Climate Change 1992. Retrieved from <http://unfccc.int>.