



## **Sectoral Integration of Biodiversity in Afghanistan**

### **Contents**

|   |   |
|---|---|
| Introduction .....  | 4 |
| 1. Afghanistan's Biodiversity Legislation.....                                  | 4 |
| Pre-2001 Laws Relevant to Biodiversity .....                                    | 4 |
| Post-conflict Laws Relevant to Biodiversity .....                               | 5 |
| Constitution of the Islamic Republic of Afghanistan.....                        | 5 |
| Environment Law .....   | 5 |
| Decree on the prohibition of forest harvesting .....                            | 6 |
| Decree on the prohibition of hunting .....                                      | 7 |
| Draft Water Law.....  | 7 |
| Draft Protected Area Regulations.....   | 7 |
| Draft Fauna Conservation and Hunting Regulation .....                           | 7 |
| Draft Rangeland Law .....   | 7 |
| Draft Forest Law.....   | 8 |
| Other Draft Legislation.....  | 8 |
| Draft Land Policy .....   | 8 |
| 2. National Strategies.....   | 9 |
| Afghanistan Millennium Development Goals Country Report 2005 –Vision 2020 ..... | 9 |
| Afghanistan Compact.....  | 9 |

|   |    |
|---|----|
| Afghan National Development Strategy (ANDS).....  | 10 |
| National Environment Strategy .....   | 10 |
| United Nations Development Assistance Framework (UNDAF) .....                               | 11 |
| 3. National Level Government Framework.....   | 12 |
| Relationship of Line Ministries: MoAIL and NEPA .....                                       | 12 |
| Strategic direction of MoAIL .....  | 13 |
| Strategic Direction of NEPA .....   | 13 |
| Other Central Government Institutions.....  | 14 |
| National NGOs .....   | 15 |
| Save the Environment Afghanistan (SEA) .....  | 15 |
| 4. Coordinating and Decision-making Committees .....  | 15 |
| Inter-Ministerial Committee for Environmental Coordination (CEC) .....                      | 15 |
| National Environmental Advisory Council (NEAC) .....  | 16 |
| Parliamentary Committee on the Environment .....  | 16 |
| Afghanistan Wildlife Executive Committee (AWEC) .....                                       | 16 |
| Biodiversity Coordination Committee .....   | 16 |
| Biodiversity Working Group.....   | 17 |
| Protected Area Working Group (PAWG) .....   | 17 |
| 5. Multilateral Environmental Agreements (MEAs).....  | 17 |
| Convention of Biological Diversity (CBD) .....  | 17 |
| Convention on the Trade in Endangered Species (CITES) .....                                 | 17 |
| Convention on Migratory Species of Wild Animals (CMS).....                                  | 18 |
| Ramsar Convention on Wetlands (Ramsar) .....  | 18 |
| Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC) ..... | 18 |
| United Nations Framework Convention on Climate Change (UNFCCC) .....                        | 19 |

|  |    |
|--|----|
| United Nations Convention to Combat Desertification (UNCCD)..... | 19 |
|--|----|

## **Introduction**

Afghanistan reported<sup>1</sup> that in light of the many daunting problems facing Afghanistan today, biodiversity does not figure prominently in Afghanistan's planning, policies or programs. However, broader environmental issues are reflected in a wide spectrum of documents with biodiversity being reflected implicitly. This note provides a general overview of how biodiversity has been, and is being, integrated into Afghanistan's laws, policies, strategies, and actions.

### **1. Afghanistan's Biodiversity Legislation**

Afghanistan is an Islamic republic, governed by Shari'a law. For the most part, Shari'a complements the modern principles of environmental management. For example, the notion of sustainable development is consistent with the principle of khilafah (environmental stewardship) contained in the Qur'an.

Afghanistan's current hierarchy of secular laws, which as a body of law is subordinate to Shari'a, sees the Constitution at the apex, subordinate to which is primary legislation (for example, the EL), under which falls subordinate legislation (for example, the Protected Areas Regulations). Customary law, which is often applied in regard to access to and use of biological resources, is found at the bottom of the hierarchy. In other words, its application is lawful only in so far as it does not conflict with Shari'a or secular statutory law.

Although a few fragmented and outdated laws existed, until recently there was no overall regulatory framework for biodiversity.

### **Pre-2001 Laws Relevant to Biodiversity**

Legislation relevant to biodiversity drafted prior to the fall of the Taliban in 2001 is generally outdated and inconsistent, and fails to reflect modern principles of environmental management. The relevant laws that may remain in force include:

- Forestry Law of the Islamic Emirate of Afghanistan, 2000;
- Islamic Emirate of Afghanistan Law for Land Ownership, 2000;
- Hunting and Wildlife Protection Law, 2000; and
- Range Management Law, 1970/ 2000.

The legality of these laws is uncertain. The Bonn Agreement of 2001 stated that existing laws and regulations would remain enforceable provided they were not inconsistent with the Bonn Agreement itself, the 1964 Constitution or the international legal treaties to which Afghanistan is a partner. Many of

---

<sup>1</sup> Afghanistan (2009). Afghanistan's Fourth National Report to the Convention on Biological Diversity, submitted by the Ministry of Agriculture, Irrigation and Livestock (MoAIL), 30 March 2009, 138 pp.

the Taliban era laws have been held to be unenforceable, but the specific laws noted above have not been tested by the courts.

## **Post-conflict Laws Relevant to Biodiversity**

### **Constitution of the Islamic Republic of Afghanistan**

The Constitution evolved out of the Afghan Constitution Commission mandated by the Bonn Agreement and was adopted by the Loya Jirga on January 4, 2004. The Constitution does not grant citizens an environmental right per se, but rather imposes a corollary duty on the State to adopt necessary measures for safeguarding the environment.

Article 15 says “The state is obliged to adopt necessary measures for safeguarding archaeological artefacts, proper exploitation of natural resources, and improvement of ecological conditions”. This is the only specific reference to the environment in the Constitution.

### **Environment Law**

One of the measures adopted by the State in fulfillment of Constitutional obligations was the development and promulgation of the EL, which came into force on 18 December 2005. The EL contains a chapter on biodiversity management and generally reflects the tenets of modern environmental management. The EL repeals the Nature Protection Act of 1986/2000. The 2005 version of the Environment Law was then reconsidered and amended by the newly-formed National Assembly and the current version of the law was gazetted in January 2007 (Section 3.1.3.6.).

Chapter 6, titled Biodiversity and Natural Resource Conservation and Management addresses biodiversity, protected areas, ecological restoration, rangeland management, harvest, sustainable use, alien species and living modified organisms. A brief summary of the relevant articles is outlined below.

- Article 36 states that NEPA shall prepare an NBSAP;
- Article 37 states that natural resources both inside and outside protected areas shall be managed to ensure sustainable use, that NEPA shall develop rehabilitation plans for degraded ecosystems and that unsustainable activities shall be undertaken without prior authorization;
- Article 38 states that the objectives for the protected area system are to conserve natural and cultural heritage, conserving and restoring representative ecosystems, habitats and cultural features, and involving communities in all activities related to protected areas;
- Article 39 states that NEPA shall prepare an NPASP and management plans for each protected area. It states that NEPA shall be responsible for funding the protected area system;
- Article 40 states that protected areas shall be categorized according to the IUCN system;

- Article 41 states that the habitats of species listed as “Protected” under Article 50 shall be designated as species management areas, that management plans will be developed for those areas and destruction of them is prohibited;
- Article 42 sets out a process for designating protected areas;
- Article 43 sets out a process for declassifying protected areas;
- Article 44 states that degraded vegetation will be restored;
- Article 45 sets out measures to minimize impact on vegetation by grazing;
- Article 46 states that species management shall be an integral part of other planning processes;
- Article 47 sets out a process for listing “Harvestable” and “Protected” species;
- Article 48 states that management plans will be developed for harvestable species and that take shall be allowed on the basis of permits;
- Article 49 prohibits the take of protected species, except under prescribed circumstances;
- Article 50 states the recovery plans will be prepared for protected species;
- Article 51 sets out conditions for import of alien species and living modified organisms;
- Article 52 states that reintroduction of indigenous species shall be by permit;
- Article 53 states that ex situ conservation measures will be undertaken under conditions set out in the NBSAP;
- Article 54 states that all trade in CITES specimens shall be in accordance with the Convention;
- Article 55 states that no listed species may be imported without a permit;
- Article 56 states that no species listed under Article 47 may be exported without a permit;
- Article 57 states that no species listed under Article 47 may be possessed, transported or traded without a permit; and
- Articles 58 – 63 address access to genetic resources including access permits and consent to access.

### **Decree on the prohibition of forest harvesting**

Decree No. 405 banning the cutting of forests was issued on 24 January 2002 by the Interim Government of Afghanistan. This was reiterated by Decree of the Interim President # 736 dated 7 August 2002 in which it is stated “In order to preserve and maintain forests as a national asset, the cutting of natural and artificial forest is strictly prohibited.” The Decree goes on to task the Ministry of

Agriculture with responsibility to implement the ban and provide quarterly reports to the President's office.

### **Decree on the prohibition of hunting**

Presidential Decree, #53, issued March 19 2005 bans all hunting and trapping in the country for a period of five years. This decree is not enforced, is unknown to the vast majority of Afghan citizens, and is ignored by those that are aware of it.

### **Draft Water Law**

The Water Law is intended to afford protection to water resources, ensure fair distribution of water, see that water is used effectively and sustainably, and to fulfill the rights of water users. Article 32 states that large water resource development projects are subject to EIAs, that users must not utilize water in a manner that detrimentally affects ecological systems and that downstream needs of aquatic ecosystems must be met.

The Water Law has now been passed by the Lower House of Parliament but approval by the Upper House is still outstanding.

### **Draft Protected Area Regulations**

Protected Area Regulations were prepared several years ago, but have not yet been approved for submission to Parliament by the MoJ. The Protected Area Regulations were drafted to correspond to the EL passed in 2005 in which authority for managing protected areas was delegated by NEPA to MoAIL. The draft regulations describe in detail how MoAIL is to manage protected areas. However, the EL was amended in 2007 to remove delegation of authority by NEPA. A stalemate has resulted because NEPA does not have the capacity to manage protected areas and MoAIL has always considered protected areas to be its mandate. Efforts are currently underway to provide an interim procedure (tarzulemal) allowing MoAIL to manage protected areas while the EL is amended to allow delegation of authority.

A further issue is that the draft Protected Area Regulations provide NEPA with the authority to establish Provisional Protected Areas. Band-i-Amir is ready to be legally recognized as a Provisional Protected Area, but this cannot take place until the Regulations have been brought into force.

### **Draft Fauna Conservation and Hunting Regulation**

The Fauna Conservation and Hunting Regulation is currently under development. It is intended to ensure the continued survival of Afghanistan's native fauna populations, protect against the unauthorized pursuit and killing of fauna, provide a foundation for science-based hunting management and promote community management of fauna resources.

### **Draft Rangeland Law**

The Rangeland Law is currently under development. Its purpose is to create a framework for community custodianship and management of rangeland resources to provide for sustainable use and management of the rangeland resources, to maximize productivity of rangeland resources and to maintain ecological

functions and evolutionary processes of Afghan rangelands, conserve soil and water resources, maintain biological diversity, combat desertification, and secure the needs and interests of future generations. The thrust of the draft law is to provide for community-based rangeland management.

### **Draft Forest Law**

Like the draft Rangeland Law, the draft Forest Law reflects the principles of community based natural resource management enshrined in the Cabinet-endorsed National Strategy for Forests and Rangeland. The draft is currently with the Ministry of Justice for processing.

Afghanistan's forest resources are in a severely degraded state. Yet many of Afghanistan's people are still reliant on these resources in order to survive and develop. With this background in mind, the law strikes a delicate balance between conservation of forest resources on the one hand, and maximising their productivity on the other, the latter in accordance with the principle of sustainable management. Another important function of the law is to formally introduce the principles of community-based forest management into Afghanistan's legislative and governance frameworks. Although in practice many forest resources are managed independently by the communities that depend on them, such customary practices have no force of law, nor are they approved by the Government. The purpose of the law is to create a legal mechanism whereby the Government – by granting specific forest resource rights – can recognize the role of communities in the management of the forest resources on which they have a direct stake, and grant those communities long-term legal rights to manage the resources themselves, within a framework of sustainable management.

### **Other Draft Legislation**

Other legislation currently under development include a Medicinal Plant Law and Species Trade Regulations.

### **Draft Land Policy**

Land and resource property rights and tenure in Afghanistan are not clear. Successive Governments have overlain new land policies and legislation over previous, blurring the lines between private, common and state land and giving rise to the possibility of multiple and conflicting entitlements. These frequent legislative changes, together with partial implementation, intermittent conflict, displacement and drought have all exacerbated the land rights situation. The ineffectiveness of land administration mechanisms means that there has been no comprehensive record of land ownership or even an overarching inventory of all lands, public and private. Acting as multipliers in this confused situation are rapid population growth and associated dynamics of land fragmentation, opium poppy cultivation, and chronic instability and insecurity in many parts of the country. The implications of this situation for sustainable natural resource management are not positive.

Common property natural resources such as rangelands and forests are frequently subjected to a 'Tragedy of the Commons' type situation. Unclear ownership and use rights generate incentives that stimulate unsustainable exploitation, leading to degradation of the resource and associated biodiversity.



A draft land policy is currently under discussion at the national level. It envisions the maximization of social and economic benefits to the whole of Afghan society based upon the orderly and sustainable use of land resources. The policy intends to guide the legal drafting and enactment of new or amended land laws. Of particular importance to the CBD, and addressed by the draft land policy, are issues of insecurity of tenure in rural areas, distribution and acquisition of land, duality of land tenure and land management, regulation of pasture land, land use, and environmental sustainability.

Several projects such as SALEH and laws such as the draft Rangeland and draft Forestry Laws are addressing the issue of land tenure.

## **2. National Strategies**

Afghanistan's national environmental strategies are contained within a fabric of four interlocking national-level planning documents; the Millennium Development Goals: Vision 2020, the Afghanistan Compact, the Afghanistan National Development Strategy (ANDS) and the National Environment Strategy.

### **Afghanistan Millennium Development Goals Country Report 2005 –Vision 2020**

The eight global Millennium Development Goals (MDGs) and their targets were adopted by the UN in 2001 following recommendations from the Millennium Summit held in 2000. In March 2004, Afghan President Hamid Karzai sent a letter to the United Nations Secretary-General indicating that Afghanistan would develop its own “Afghanized” approach to meeting the global MDGs as the basis for the country's development planning.

Millennium Development Goals: Vision 2020 (Islamic Republic of Afghanistan and UNDP 2005) was completed in 2005. Target 9 under MDG 7 (Ensure Environmental Sustainability) indicates that Afghanistan will attempt to “Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources”. There was considered to be insufficient data to determine whether the goal could be met by 2020 and the necessary policy environment was assessed as “weak but improving”.

While global MDG 7(b) (i.e., reduce the rate of biodiversity loss) is not reflected in the Afghanized MDGs, considerable emphasis is placed on maintaining vegetative cover.

Major recommendations were to better protect forest in the face of resistance from powerful timber mafias, to increase area under forest and vegetation cover, and to replace current fuel sources by increasing access to cheap non-solid fuels and by actively developing rural electrification.

### **Afghanistan Compact**

The Afghanistan Compact is an agreement, signed in February 2006, between the government of Afghanistan and the international community committing both to cooperate in creating conditions allowing the people of Afghanistan to live in peace and security under the rule of law, with a strong government which protects human rights and supports economic and social development in the country.

The Afghanistan Compact confirmed the government's overarching goals as being those articulated in Afghanistan Millennium Development Goals Country Report 2005 – Vision 2020. Consistent with those goals, this Compact identifies three interdependent pillars of activity for the following five years: (i) Security; (ii) Governance, Rule of Law and Human Rights; and (iii) Economic and Social Development. In terms of the environment, the Afghanistan Compact indicates that environmental regulatory frameworks and management services will be established for the protection of air and water quality, waste management and pollution control, and natural resource policies will be developed and implementation started at all levels of government, as well as the community level, by end-2007. There is no specific mention of biodiversity.

### **Afghan National Development Strategy (ANDS)**

The Afghanistan National Development Strategy (ANDS) is a MDG-based plan that serves as Afghanistan's Poverty Reduction Strategy Paper (PRSP). It is underpinned by the principles, pillars and benchmarks of the Afghanistan Compact. It was released in December 2008 and represents an attempt to comprehensively address the major challenges that face Afghanistan. The ANDS reflects the government's vision, principles and goals for Afghanistan, which are organized under three pillars: (i) Security; (ii) Governance, Rule of Law and Human Rights; and (iii) Economic and Social Development. Environment falls under the third pillar. The ANDS focuses mainly on the next five years, but it also reflects Afghanistan's long-term goals.

The ANDS is very large planning compendium comprised of a main document supplemented by 22 sector strategies, 37 institutional strategies, and 35 Provincial strategies as appendices.

### **National Environment Strategy**

The National Environment Strategy is one of the 22 sector strategies of the ANDS. The three goals of the Environment Strategy are:

- Secure a clean and healthy environment for the people of Afghanistan;
- Attain sustainable economic and social development while protecting the natural resource base and the environment of the country; and
- Ensure effective management of the country's environment through participation of all stakeholders.

There are two Priority Objectives (i.e., Environmental Governance and Environmental Management) which are to be met through the following 6 thematic strategies:

- Forestry and Rangeland;
- Protected Areas and Biodiversity;
- Water and Wetlands;
- Air Quality Urban and Industrial;

- Environmental Management; and
- Environmental Education and Awareness.

Among the desired outcomes identified in the Forestry and Rangeland, Protected Area and Biodiversity, and Water and Wetlands thematic strategies are:

- Establishment of regimes for proper and effective utilization of forest and rangelands;
- Achieving balance between production and productivity in agricultural land uses and effective maintenance and enhancement of the natural and wildlife resource base;
- Targeting and geographical coverage for community-based resource management;
- Clarity on the legal status and boundaries of protected areas;
- Enabling legislation on establishing and managing protected areas;
- Assessment of impact of human settlements, war, drought, tourism and landmines on protected areas;
- Hydrological and biodiversity assessment of protected areas;
- Regulation of hunting and other human activities in protected areas;
- Clearance of land mines from protected areas;
- Accession to Ramsar Convention;
- Hydrological studies and biodiversity assessment of major wetlands; and
- Remedial measures for containing impacts of desiccation of wetlands on human and natural environment

The National Environment Strategy recognizes that environmental management is a new concept in Afghanistan. Therefore it focuses on developing NEPA's capacity and ability to perform its regulatory, coordination and policy-making duties. It sees strong environmental management by NEPA as the platform necessary to mainstream environmental issues, including the ANDS benchmarks and MDG goals for environment.

### **United Nations Development Assistance Framework (UNDAF)**

The United Nations Development Assistance Framework (UNDAF) (UN System 2005) provides a common operational framework for United Nations organizations to formulate their actions towards achievement of MDGs in Afghanistan. Environment and Natural Resources is one of four inter-related Areas of Cooperation that emerged as particularly critical for the United Nations System's support to the people and Government of Afghanistan. UNDAF Objective 4 reads "By 2008, development and implementation of environment and natural resource policies strengthened at all levels of Government, including the

community level, to ensure proper management of, and appropriate education on, rare and important natural resources.”

### **3. National Level Government Framework**

#### **Relationship of Line Ministries: MoAIL and NEPA**

Until fairly recently, there was no specific biodiversity mandate within the Government of Afghanistan, although elements of it were implemented primarily by the Ministry of Agriculture, Irrigation and Livestock (MoAIL). This institution has traditionally held the mandate for forestry, rangeland management, wildlife and protected areas. It is also the national focal point for the CBD and the key institution for the management of natural resources in Afghanistan.

Until 2003, the environment itself was not independently recognized as a government mandate. It was only after the Constitutional Loya Jirga, or Grand Council, that environment was added to the portfolio of the former Ministry of Irrigation and Water Resources, and the institution renamed the Ministry of Irrigation, Water Resources and Environment.

In late 2004, after the Presidential elections, the Cabinet was reshuffled and the environment mandate was carved off from its previous institutional home. Known during the interim period as the Independent Department of Environment, in May 2005 the fledgling institution was renamed the National Environmental Protection Agency (NEPA), and established by presidential Decree #13. The EL clarified the mandates, powers, responsibilities and functions of NEPA.

The original intent was for NEPA to be responsible for the more overarching policy and regulatory aspects, while delegating authority to MoAIL for field-level management. This division of authority is, in fact, not reflected in the version of the EL re-gazetted in January 2007 in which references to delegation of authority were removed. It is widely recognized that the technical capacity for management of natural resources lies in MoAIL while NEPA possesses the policy-setting and regulatory expertise. This disconnect between legal authority on the one hand and tradition and expertise on the other is a current source of uncertainty and paralysis. The Parliamentary Committee on the Environment has instructed NEPA to submit an amended version of the EL to Parliament that has been agreed by MoAIL.

The current official contacts for MEAs to which Afghanistan is a Party are as follows:

- GEF OFP NEPA
- CITES Management Authority MoAIL
- CITES Scientific Authority MoAIL
- CBD Focal Point MoAIL
- CCD Focal Point MoAIL

- UNFCCC Focal Point NEPA
- Ozone treaties NEPA

### **Strategic direction of MoAIL**

The organizational structure of MoAIL includes a General Directorate of Natural Resource Management under which fall Directorate of Forestry and Directorate of Land Management. A Wildlife and Protected Areas Section falls under the Forestry Directorate. In 2006, the Council of Ministers approved the Policy And Strategy For The Forestry And Range Management Sub-Sectors as Cabinet Decision #26. The level of approval gives this policy the force of law. The vision reflected in the document is to maintain a balance between maximization of production and maintenance of natural and wildlife resources. The strategy explicitly adopts a community-based approach and aims to establish land user rights contracts.

More recently, MoAIL has developed a Ten-Year Master Plan and an associated Five- Year Implementation and Investment Program (IIP) intended to provide direction for donors and Ministry staff to work towards coherent and strategic implementation of the MoAIL mandate. The objective of the natural resources section of the IIP was adopted directly from the 2006 forest and rangeland policy. It reiterates that communities and institutions throughout Afghanistan should utilize natural resources in such a way as to achieve a balance between maximization of production and productivity and the effective maintenance and enhancement of natural resources.

The six different components of the natural resources section of the IIP relate closely to the implementation of the CDB. Component 1 of the IIP, stresses the need to establish an appropriate legal and institutional framework that is conducive to sustainable natural resource management. Component 2 addresses implementation of community-based integrated natural resource management plans supported by Community Natural Resource Management Committees. Component 3 addresses awareness-raising. Component 4 involves monitoring and evaluation of the status of natural resources. Component 5 addresses the need to support authorities from the local to the national levels provision of infrastructure, capacity building and other opportunities. Finally, Component 6 addresses issues relating to the generation of income from the sustainable harvest and commercialization of natural resource products.

A concept paper for the MoAIL Natural Resource Management Programme (MoAIL 2009) is intended to supplement the IIP by providing more detail on allocation of Ministerial NRM resources during Afghan year 1388 (March 2009 - March 2010). The concept proposes 3 subprogrammes (National Natural Resources Surveillance Planning and Regulation, Protection and Conservation, and Community Management of Natural Resources) and provides a logical framework analysis of objectives, indicators, verification and assumptions for each of the subprogrammes.

### **Strategic Direction of NEPA**

NEPA is guided by two strategic documents. The officially sanctioned strategy is the National Environment Strategy.

The second is the National Environmental Protection Agency Strategy for Afghanistan: National Development Strategy (With Focus on Prioritization) (NEPA 2007), developed as a requirement of ANDS intended to serve as a basic framework for operations and activities. This document is an internal NEPA document and still marked as “draft”. Nevertheless, it contains valid guidance.

NEPA’s goal is “to protect the environmental integrity of Afghanistan and support sustainable development of its natural resources through the provision of effective environmental policies, regulatory frameworks and management services that are also in line with the Afghanistan Millennium Development Goals (MDGs). “

The priority expected results over the next five year period (2007 – 2012) are:

1. By 2012, establishment and implementation of legal and regulatory frameworks and management services for “brown” issues, including the protection of air quality, water quality, waste management, and pollution control;
2. By 2012, establishment and implementation of legal and regulatory frameworks and management services for “green” issues, including natural resource management;
3. NEPA is capable of taking the lead in environmental management through the enhancement of its professional capacity;
4. Regular dissemination of a public environmental awareness campaign and provision of environmental information to other Government authorities; and
5. Achievement of Afghanistan’s MDGs related to the environment.

The general opinion within Government is that NEPA’s role is environmental policy, planning and regulation while implementation of most biodiversity conservation issues is delegated to MoAIL. However, this approach is not universally accepted nor legally grounded.

### **Other Central Government Institutions**

Other Central Government institutions with a potential role to play in biodiversity conservation and the implementation of CBD include the following:

- Ministry of Rural Rehabilitation and Development
- Ministry of Energy and Water
- Ministry of Information and Culture
- Ministry of Education
- Ministry of Higher Education
- Ministry of Mines and Industry

- Ministry of Frontiers and Tribal Affairs
- Afghanistan National Disaster Management Authority
- Central Statistics Office
- Department of Meteorology
- Afghan Tourism Organization

Coordinating mechanisms such as the Committee for Environmental Coordination, legally established under the Environment Law in 2006, serve as an important mechanism to coordinate environmental activities throughout the Government.

## **National NGOs**

### **Save the Environment Afghanistan (SEA)**

SEA is Afghanistan's only major grassroots and Afghan-managed conservation organization. SEA (then SAVE) was active in environmental issues during the civil war when there was no active government involvement in environmental issues.

SEA's mission is protection of the environment, sustainable resource utilization, conservation of biodiversity and integrated development of natural resources. SEA is member of IUCN, IUFRO (The Global Network for Forest Science Cooperation) and APAFRI (Asia Pacific Association of Forestry Research Institutions) and works closely with the International Crane Foundation, WWF, ICIMOD, the International Snow Leopard Trust and other environmental organizations.

SEA strives for the revival of a pristine environment in Afghanistan by undertaking programs that:

- Support natural resource management;
- Support waste management and air quality in urban areas;
- Wildlife management and conservation;
- Environmental/Conservation education; and
- Lobby and advocate for the environment.

## **4. Coordinating and Decision-making Committees**

Several committees have been set up to provide information sharing, coordination and decision-making.

### **Inter-Ministerial Committee for Environmental Coordination (CEC)**

The CEC was established through Presidential Decree No. 4052 in January 2007 to address the specific requirement spelled out in Article 10 of the EL. The CEC is aimed to gather relevant stakeholders in

order to start integrating environmental considerations into the respective ministries' workplans, coordinate existing and new activities in the environment sector and share relevant information on sustainable approaches in one forum. There have been 5 meetings of the CEC held to date, all chaired by NEPA.

### **National Environmental Advisory Council (NEAC)**

The purpose of NEAC, as it is set out in Afghanistan's Environment Law, is to advise the National Environmental Protection Agency on financial matters (including budgets and annual accounts), regulatory matters (including the development of policy, procedures and legislation) and environmental matters that are of national public importance. The Council includes governors, chairpersons of provincial councils, Islamic scholars and tribal elders. The Council members are appointed by the President on the recommendation of NEPA's Director General. The Inaugural Meeting of the NEAC took place in May 2008. The meeting took the form of a two-day conference for 400 participants and invitees. Extensive preparatory work ensured that the provincial constituents of the NEAC were selected and enabled to participate. Governors or their representatives from 26 out of 34 provinces attended the meeting, and 28 out of 34 provinces sent representatives of the Provincial Councils, Tribal Elders and Islamic Scholars.

### **Parliamentary Committee on the Environment**

The Parliamentary Committee on the Environment is one of 14 parliamentary sectoral committees. Its role is to consider legislation related to the environment, address environmental concerns raised by constituents, and perform an oversight function, particularly in relation to the EL.

### **Afghanistan Wildlife Executive Committee (AWEC)**

The purpose of the AWEC is to recommend additions to the Harvestable and Protected Species List to NEPA as required by Article 47 of the EL. In future, AWEC may also take on the role of CITES Scientific Authority. Determination of species status is made on the basis of short species assessment reports. Status in Afghanistan is also assigned according to the IUCN Red List regional criteria.

The Committee is currently comprised of a Chair from NEPA, one representative from MoAIL, several faculty members from Kabul University and non-voting international advisors. This composition ensures that the Committee has enough depth and expertise to make informed decisions related to wildlife status, take and trade. The AWEC held its first meeting in October 2008 and has listed 31 species (32 counting the split-listing for ibex) to date.

### **Biodiversity Coordination Committee**

This committee was initiated by WCS as an informal forum for NGOs, government departments and UN institutions working on issues related to biodiversity in Afghanistan to share information. The Committee has not been active recently.



### **Biodiversity Working Group**

This multi-stakeholder group was formed by UNEP to serve a consultative and educational function during the NCSA/NAPA process which was completed in December 2008, and was re-formed to review this report. It is comprised of members of academia, Government Ministries and local NGOs.

### **Protected Area Working Group (PAWG)**

The PAWG is an informal, information-sharing gathering of groups working on protected areas in Afghanistan. It is not a decision-making body. The PAWG was initially called the Band-i-Amir Coordination Committee and was intended to integrate the efforts of the many donors, NGOs, Government departments, and UN institutions working in various capacities to establish Band-i-Amir National Park. With Band-i-Amir nearing formal establishment, the name was changed and the mandate was expanded in 2008 to include all protected areas. There have been 12 meetings of the Band-i-Amir Coordinating Committee since October 2006 and 2 meetings of the PAWG since May 2008.

## **5. Multilateral Environmental Agreements (MEAs)**

### **Convention of Biological Diversity (CBD)**

The CBD is a legally binding international treaty adopted in Rio de Janeiro in June 1992. The Convention has three main goals:

- conservation of biological diversity;
- sustainable use of its components; and
- fair and equitable sharing of benefits arising from genetic resources.

Afghanistan signed the CBD in 1992 and ratified it in 2002. Afghanistan submitted the Third National Report to the CBD Secretariat in 2007, but otherwise has not been significantly engaged in CBD activities.

Afghanistan is not a Party to the Cartagena Protocol on Biosafety, a supplementary agreement to the CBD. Afghanistan does not currently consider biosafety to be a significant issue relative to others challenges facing the country.

### **Convention on the Trade in Endangered Species (CITES)**

CITES is an international agreement between governments which came into force in 1975. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Afghanistan acceded to CITES on 30 October 1986 but has not been actively implementing the Convention. Several notifications from the CITES Secretariat have advised Parties not to accept alleged CITES documentation from Afghanistan and to suspend all trade with Afghanistan in CITES-listed species. Currently, Afghanistan is considered by CITES as having substandard legislation to implement the Convention.

Articles 54 – 57 of the EL provide umbrella CITES legislation and state that import or export of CITES-listed species must have valid documentation. However, regulations have not yet been developed to provide specific guidance in implementation of the Convention.

Currently, the CITES website lists both the Management Scientific Authorities as being within MoAIL although discussions are underway to transfer the Scientific Authority to the AWEC.

In 2008, WCS organized a study tour for senior Government officials to visit CITES headquarters in Geneva, attend the 57th meetings of the CITES Standing Committee, and receive training on CITES principles. In 2009, WCS plans to assist the Government in setting up a CITES-compliant permitting system.

### **Convention on Migratory Species of Wild Animals (CMS)**

The CMS aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of UNEP, concerned with the conservation of wildlife and habitats on a global scale. The CMS is sometimes called the Bonn Convention, which is distinct from the Bonn Agreement. The latter was a 2001 agreement to set up interim governance for Afghanistan.

Migratory species threatened with extinction are listed on Appendix I of the Convention. CMS Parties strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Besides establishing obligations for each State joining the Convention, CMS promotes concerted action among the Range States of many of these species.

Afghanistan has indicated its intention of becoming a Contracting Party to the CMS, but approvals currently are being delayed in Parliament because of translation issues. The proposal is currently in Committee.

### **Ramsar Convention on Wetlands (Ramsar)**

The Ramsar Convention on Wetlands, signed in Ramsar, Iran in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Afghanistan is not currently a Contracting Party to the Ramsar Convention. The process for becoming a Party to Ramsar is for the State to deposit an instrument of accession accompanied with nomination documents for at least one wetland. UNEP has assisted the Government in developing the documentation necessary to nominate Dasht-i-Nawar as a Ramsar site. Approvals to accede have been obtained from the President, but the process is still working its way through government.

### **Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC)**

The World Heritage Convention (WHC) is an international agreement that was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1972. It

is based on the premise that certain places on Earth are of outstanding universal value and should therefore form part of the common heritage of mankind. The Convention seeks to identify and safeguard our world's most outstanding natural and cultural heritage.

Afghanistan became a Party to the Convention in March 1979. Currently there are two cultural World Heritage Sites in Afghanistan (Cultural Landscape and Archaeological Remains of the Bamiyan Valley and Minaret and Archaeological Remains of Jam).

Afghanistan also has three properties on the Tentative List (City of Herat, City of Balkh, and Band-E-Amir). Band-i-Amir is the only natural WHC site proposed for Afghanistan.

Draft papers for nomination of Band-i-Amir as a World Heritage Site have been prepared by WCS, but submission to UNESCO is awaiting designation of the area as a legally recognized National Park.

### **United Nations Framework Convention on Climate Change (UNFCCC)**

The UNFCCC sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. Afghanistan signed the UNFCCC on June 1992. The Transitional Authority ratified the Convention in September 2002 and the Convention entered into force in December 2002. The Kyoto Protocol is an extension to the Convention adopted in 1997 that outlined legally binding commitments to emission cuts. Afghanistan has yet to accede to the Kyoto Protocol.

Afghanistan's first step to address climate change was to undertake the NAPA process. A report (Savage et al. 2008) on the potential impacts of climate change was written to feed into NAPA. It presents a concise analysis for policy makers and key influencing constituencies within Afghanistan looking to integrate climate change into development planning. Proposals for two adaptation projects have been developed, but not yet funded.

### **United Nations Convention to Combat Desertification (UNCCD)**

The objective of the UNCCD is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/ or desertification. Afghanistan signed the UNCCD in 1995 and the Convention entered into force on December 1996.

The UNCCD is working to develop long-term integrated strategies that focus simultaneously on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

The NCSA and NAPA process collected and analyzed information on desertification which was finally included in the final written output of the Desertification, Rangelands and Water Resources Working Group (UNEP 2008c). The Working Group identified eight areas as being priority for the implementation of UNCCD in Afghanistan. These were analyzed and associated capacity needs and opportunities for capacity development were identified at the individual, organizational and systemic levels. Capacity building in the identified areas will enable Afghanistan to:

- Participate in UNCCD and creation and enhancement of enabling environment;
- Establish drought early warning systems that include long-term monitoring and assessment of desertification;
- Develop local, drought and salt resistant crops;
- Strengthen food security systems and rural livelihoods through improved natural resource use and management;
- Develop and implement rangeland management systems;
- Raise levels of education and public awareness about desertification, drought and sustainable land management; and
- Strengthen existing relevant legislation and ensure that desertification is an issue considered by national level policy makers.

A major follow-up action has been the development and approval of the UNDP/FAO/UNEP sustainable land management project.