



## RATIFICATION OF INTERNATIONAL AGREEMENTS IN AFGHANISTAN

### Law

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### ABSTRACT

This brochure examines how to approve international treaties in Afghanistan, because how many states exist in the current era, their profits are interdependent, so on the basis of those profits, governments are forced to negotiate with each other. Hold treaties and arguments, and on the other hand, how many people living in this world have the rights and responsibilities in terms of human rights, human dignity and human rights, so governments are compelled, To have mutual agreements so that the problems of the states and the people at the international level can be resolved and resolved.

### KEYWORDS

Empowered place of international agreements approval in Afghanistan - Approval of international agreements in Afghanistan's fundamental rights

### Introduction

Since holding and carrying out international treaties and heritage is considered one of the basic duties and responsibilities of the state and the government, it uses the government as a tool for the economic life of the community as well as for the peace and prosperity of the country.

On the other hand, relations between the states are established on the basis of international treaties and heritage, which is a good tool for the execution of social and political views both internationally and internally.

So, for the purposes mentioned above, many of our professional citizens in the rights of the states are faced with the problem of not having access to legal books or having little access and cannot get enough information about a legal issue. In this section, I call this writing a scientific development, which will in part be the solution to these problems.

### Material and work method:

I will insist that throughout the writing of this article I adopt an approach that will use sources and resources that are considered credible both globally and internationally, as well as on the topic of endorsement. For that purpose, I will take note of all the seminal and visual references and the other is that my writing is in Pashtu language;

So in order to make this topic a good explanation, we will discuss the concept of approving international agreements in the brochure, how to approve agreements, the competent authority to approve international agreements in Afghanistan, international agreements. Approval In the constitutional rights of Afghanistan and in the end it will be discussed and studied by mentioning the result.

### Preface

In the present era, relations of states have become so important at the international level, that it is far from possible to carry out these relationships on a normal life. On the other hand, the interests of the countries are negligible. Maintain your relations with other countries and provide economic, political, social, cultural ..... benefits to your country based on these contacts, because no country like the personal life that a human being has all its needs and problems. They cannot be alone, and they are compelled to have relations with other human beings, so no country in the world can fulfill all their needs if they are on state line. Yes and if fulfilled at the level of individuals, we see many countries in the modern era who are economically prosperous, but will be forced to maintain relations with other countries in oil or in the country. In bringing about security, we see that cooperation between states is essential. If states do not have relations with each other in the guilt of criminals, then one person will be guilty of a crime in one country and then his / her. Escape the country and get rid of the penalties imposed, so that the profits mentioned above are compelled

to provide for the states that the states have in their midst. Have agreements to build international relations on the one hand within the framework of international norms and principles, and on the other hand to ensure the profitability of our country in this international relationship.

In order for countries to carry out international agreements, it is imperative that each country has the ability and authority to approve and approve the agreements in their constitutional rights that these authorities have in their agreement and approval. The other country is not under the influence and can at its own discretion agree to withdraw international treaties for the benefit of their country or to buy it.

According to the Afghan constitution, the ability to ratify international treaties and heirs is within the legislature's power, but other powers also have special powers in this regard, as is the case with the legislature in the adoption of ordinary laws. Or it may be expressly stated that other powers of the Legislature are indirectly involved in the adoption of international treaties, heirs and ordinary laws.

### The concept of international agreements approval

The concept of approval of an international treaty means that a contract is executed when that contract is to be merged with the government or by a representative of the government and it will be ratified or approved later on. The mere indications indicate the will of the government and not because the rules of that contract are immediately considered obligatory, but because the rules of a contract are the whole meaning of the term imposed on a single state, in which both the resolution and the approval process are met. Have done.

Or, in other words, the ratification of an agreement, by endorsement and the declaration of a definitive agreement that will be executed by the authorities of a country and by representatives of the government that are executed, in this case And all the powers of the country are governed by its agreement and the contents of the agreement, whereas the tributary provisions of the agreement mentioned earlier are carried out only by the executive (1:3).

### How to approve contracts:

We will study the requirements for ratification of contracts as follows.  
A. After the preliminary injunction of the treaty, the side of the agreement provides the opportunity for the countries to study and conclude the agreement accurately and to consider its benefits and subsequently ratify the agreement.

B. After the agreement is signed, the state authorities may change it, or the general idea is contrary to that agreement, in which case the appointees for approval of the agreement will have the opportunity to seek legal authority or Any authority authorized by the Constitution to approve the resolution of the contract may, in accordance with the

general functions of the society, reflect or refuse to approve it. (2: 3)

In the majority of countries, the legislature has the right to abolish and express opinion in foreign politics, and it reserves the right, so it is imperative to read the text of the agreement carefully and subsequently. On the other hand, it is also possible that when a treaty is signed, it will make changes to the laws of that country or cause a new law to be established. Usually conducted by the legislature, that is why legislative assemblies in parliamentary systems are involved in the execution of international treaties, so accordingly Reviewing an international agreement recognized by the government or its agents is a necessary order, which is made by the Legislature, and the first process from which the Legislature works, and the Legislature. It has no involvement. (5:65)

The basis and rationale for the adoption of an international treaty is that every state should, in principle, have the opportunity to rethink the key assets of the Treaty, not partial assets, on the basis of their country's national profits. That is, they are not absolute stabilizers and may change on the basis of collective disposals after contractual merger or may not have the connotation of the benefits of a contract from the perspective of the state and the nation, many such agreements may exist. That seems to be popular from the point of view of the state, why from the standpoint of the nation it is not profitable and the outflow is counted, so with this reason every time the state On the contrary, the general idea is to be in the opposite direction, so that the government looks at its treaty only as a matter of exclusion until the nation is confused and its charge is suspended. Unless a contract is announced, its effects will not be charged, and on the other hand, when the contract is ratified, the agreement is considered valid, meaning that the contract is not mere amortization. Withholding a contract on the basis is the only consent by a country to agree to hold the contract. (2: 3)

Empowered place of international agreements approval in Afghanistan:

In principle, the determination of the position by international jurisdiction, which is considered competent and righteous for the ratification of international treaties, has been delegated to the constitutional laws of the countries and to the provisions which the parties agree on. The order is also valid in both governments and international organizations, as righteous and talented authorities can identify and approve the agreements on the basis of the country's fundamental rights. (5:65)

It is important to note that these competent positions are different from one country to another, and these divisions will either be governed by a secular system or will differ from one another depending on the boundaries of righteous authority. Therefore, the international rights have been delegated to the United States in the determination of the competent and competent authorities to approve the treaties, which the United States will appoint those competent and righteous authorities on their internal rights, and no pressure will be placed on the countries to enforce them. Authorities are not included in the determination (1: 1).

The constitutional laws of the countries in the adoption of treaties differ from one another, in some countries the ability to approve treaties and international heirs is with the legislature, and in some countries the power lies with the executive. In some countries, the ability to approve treaties and international heritage is shared by the legislature and the executive, so it can be said that each country, from the point of view of constitutional rights as well as the constitutional laws of that country, has to approve international agreements and heirs. Determines and selects specific positions. (2: 3)

In Afghanistan, a new constitution was drafted and enacted in the 9th year, which contains one of the three chapters and six articles of the constitution, which has the power to ratify international agreements under this constitution. The National Assembly is addressed to parliament in Afghanistan, which is composed of two assemblies, one to the lower house and the second to the upper house, which is addressed to the lower house. The members of the House are elected by direct and arbitrary votes of the people, the maximum number of members of the Wolasi Jirga, and two-thirds of the members of the Mashrano Jirga. District Council is the organ remainder appointed by the president, the president is obliged to 50% to the female organ of choice).

The National Council takes steps to approve international treaties in the context of special appointments, which have the meaning set forth in Article 5 (1) of the Constitution in relation to the powers of the National Council and the international treaties and obligations of Article 5:

1. Laws and legislative decrees approval, modifying or canceling
2. Approval of social, cultural, economic and technological development programs.
3. Approval of state budget and approval of borrowing or lending.
4. Creating, modifying or canceling administrative units.
5. Agreements and international conventions approval between states, or separating Afghanistan from them.
6. Other powers listed in this constitution.

Article 5 of the new constitution of Afghanistan is explicitly written, that is, the ability to approve international treaties and heirs, or to abolish it, to the national council, or to that means international The authority to approve treaties and heirs is the National Assembly of Afghanistan. (2: 3)

Also, Article 7 of the Constitution of Afghanistan states that "the Government shall conform to the United Nations Charter, the Intergovernmental Agreement, the International Covenants to which Afghanistan relates, and the Universal Declaration of Human Rights." It is known that the international treaties and obligations to which Afghanistan is annexed, these international treaties and obligations have been superseded as ordinary laws and constitutionally equivalent to the constitutional rules that govern all entities and triple powers. Is considered to be an exception to the exemption. Also, Article 1 (1) of the Constitution contains provisions regarding the duties and capabilities of the Supreme Court, which "examine the compatibility of laws, legislative decrees, international treaties and international heritage with the Constitution." At the request of the government or the courts and their interpretation is the ability of the Supreme Court in accordance with the provisions of the law". (5:65)

According to Article 3 of the Afghan Constitution, the Supreme Court has the ability to study international treaties and obligations and to interpret and interpret those treaties and obligations in accordance with the Constitution. It is also important to note that before the Supreme Court, international treaties and obligations are signed. It can also be sent to the National Assembly for approval, and then with the approval of the National Council. It should be noted that Article 3 of the Constitution of Afghanistan contains a clause that (no law in Afghanistan can be contrary to the principles and provisions of the sacred religion of Islam), so the adoption of a treaty by the National Council The parties must be approved in a manner that does not exist in conjunction with this Article, or it can be summarized that according to the constitution of Afghanistan, the ability to approve international treaties and heirs is enshrined in the legislature. The force (national council) is in power. (5:65)

Approval of international agreements in Afghanistan's fundamental rights:

As already mentioned, the ability of the international treaties to adopt international treaties under the Afghan constitution is with the National Council, but the National Council does the act of approving international treaties with special conventions, one of which is the International Convention on Disputes. Consistency is in line with the constitution, as we have not mentioned before (to examine the compatibility of laws, legislative decrees, international treaties and international conventions with the constitution, at the request of the government or the courts and their interpretation. Is the ability of the Supreme Court in accordance with the provisions of the law), whose purpose is to ensure that international law The DATA and the Charter must conform to the principles of the Constitution as well as the Islamic Doctrine, which emphasizes the third Article of the Constitution and states that no law in Afghanistan can contradict the principles and provisions of the sacred religion of Islam. If so, the Supreme Court in addition should conform to Islamic principles and doctrines, in addition to international treaties and codifications that are

in conformity with the Constitution, after which there is no breach and international treaties to be ratified. Is moved to the National Council for approval by the Supreme Court, as well as the National Council After a minute study and discussion of international treaties, as well as preliminary agreements on the ballot phase with national profit margins, members of the National Council of Ministers voted for a two-thirds positive vote, so the Senate approved the agreement again. You are sent, when the agreement is discussed in the Senate, if the Senate shows its agreement with the Senate, then the agreement will be forwarded to the President for approval, if the agreement is approved by the Senate. If not shown, then a joint commission is made up of a combination of the Wolasi Jirga and the Senate, An equal number of limbs will be selected from the gold, the breach of contract points at the commission level, then the agreements are counted and if the breaches are not disposed of the contracted points then the agreement is sent to the Wolasi Jirga and the second time For debate and submitting for voting, turtles will again be given a second positive vote on the basis of the members present, in which case it is possible to pass it directly to the Senate. The race is sent to the president for a promotion. (2: 3)

Thus, it can be said that the ratification of international treaties is within the power of the legislature in Afghanistan, but the judiciary's role in investigating international treaties and heritage, as well as the compatibility of international treaties and heritage, has more in common with the constitution. If, therefore, an agreement is a result of the Supreme Court's dissolution and investigation, it violates the Constitution and Islamic values; the Supreme Court prohibits the National Council from approving the treaty on the basis of its prejudice, except as requested by the Supreme Court. Is also capable of interpreting international treaties. [2]

There are no special laws other than the Constitution for the adoption of international treaties in Afghanistan, so national councils and other entities for the ratification of an international treaty, as assigned by the General Law. Have considered and imposed those appointments for international treaties as well, no specific law or other standard for the execution of international treaties has been made in the Afghan constitution. , Rather than the general statement of the Universal Declaration, is based on all international agreements and obligations The Government of Afghanistan submits to other governments and / or international organizations, so it must be approved by the National Council. (5:65)

Trade contracts and transit certificates are different from contract assignments, which the Afghan constitution also considers mandatory, and execute trade agreements by introducing the wording of the agreement in Article 5 of the new constitution of Afghanistan. Coal has separated from contractual negotiations, and the general attitude so far has been to distinguish between contractual agreements and trade agreements on the basis of navigations, as is a trade and transit agreement between Afghanistan and Pakistan. In the year 1 (5), it was submitted that it passed the bill The web was identified as necessary, while the Afghanistan-US strategic agreement, which was under discussion, was passed to Parliament for ratification, indicating that the agreements were one-of-a-kind. There are differences, especially with trade agreements, but in general those agreements that are in the simplest form are outside the scope of these meetings and do not require the approval of the National Council. (2: 3)

### Recommendations

1. As international treaties represent the benefit of the entire nation as a rule, international treaties must be effective for the sake of national unity, and draw people to national unity so that national unity can be established in the country.

2. International treaties should be ratified in a manner that is not in conflict with the traditions and customs of the Islamic Sharia society and the constitution.

3. International treaties must address the problems and problems of the people on time and in time.

4. Government should always monitor and monitor the implementation and non-implementation of international treaties.

### Conclusion

Since our article is about how to approve international treaties in Afghanistan, it can be said that ratification is a one-sided legal process,

which states that states have the authority to approve agreements based on internal laws. Approval is a one-sided legal process, where countries are presented with competent authority for the ratification of treaties under internal laws, after which the country declares its accreditation in the context of that agreement. It should be said that, in any case, the emblem of a representative of a country, even if he is authorized to do so, does not create legal implications for the country. However, governments are still subject to international sanctions when an international treaty is delegated to them. To be sure, unless the position of those states is clear in the case of ratification or disapproval, they will refrain from acts that result in breach of contract based on international human rights. Respect for the sovereignty and independence of a country is respected, unless a country is fully aware of the meaning of an international treaty, which is in agreement with national profits and not in conflict, so the states. Its agreement measures to be ratified, and turtles avoid conflict with national profits, so it can be said that The act of ratification of the treaty is intentional, with the states executing it in the form of a treaty agreement. It does not consider a specific attitude towards the adoption of a universal treaty in international rights, but rather its attitude towards the countries. It has entrusted the internal rights that countries have different procedures in this regard.

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