

Legal Aspects Of Afghanistan Accession To The World Trade Organization (WTO)

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Abstract

Afghanistan as a country surrounded by land and involved in successive wars, has turned into a purely consumer country, and at the same time, it has rich mines and many potential economic facilities, it is in dire need of international economic partners to be able to meet the challenges may the economy succeed in its own way. A clear example of such an international partner is the World Trade Organization (WTO), which is known as the largest authority facilitating international trade around the world. According to such specifications of the WTO, Afghanistan submitted its membership application to the organization in November 2004. In December, 2015, the ministerial conference of the organization has been accepted the membership of Afghanistan which was officially completed in on July 29, 2016. The research is a qualitative study with the descriptive-analytical method and the data has been collected from the popular academic articles, books and national and international documents, related to the issue. Consequently, the research found that accession of Afghanistan to the WTO had many legal aspects and challenges, which are explained in this article. The advantages and disadvantages of Afghanistan's membership mostly related to the economic and financial policies of the government and the performance of the managers of this important field, and its consequences and practical results, will determine the future.

Keywords: *World Trade Organization, Globalization, International Trade Law, Country Membership.*

INTRODUCTION

The World Trade Organization (WTO), which succeeded the previous organization known as GATT (General Agreement on Tariffs and Trade) in 1994, brought new hopes for progress in the fields of international trade and economy for the countries of the world. With the formation of the new government headed by Hamid Karzai in 2001, Afghanistan regained its basic institutions and wanted to become a member of the aforementioned organization. Because on the one hand, Afghanistan is a landlocked country and does not have direct access to world markets, and on the other hand, it has lost most of its production and industrial centers as a result of many wars. Asia has played the role of an economic bridge in the region and by joining the World Trade Organization; it can overcome some economic problems. Therefore, during the presence of the American foreign forces of NATO and ISAF, when a suitable opportunity was provided to submit Afghanistan's membership application to the World Trade Organization, with frequent follow-up and fundamental changes in the necessary laws and reforms in the organizations of the relevant departments, joining this great organization. Having made business his priority, he applied for membership in 2004.

Positively, the WTO implements the global system of trade rules and helps developing countries build their trading capacity. It also provides a forum for its members to negotiate trade agreements and resolve trade problems they face with each other (Ching, et al.2011). In case of disadvantages should said that the WTO is not responsible for any other aspect of national security. The World Trade Organization has long been accused of being unfair to developing country governments. It conducts its business transactions where powerful governments and big corporations dictate policy (Waqas, 2014).

In the legal aspect, first the new constitution was approved and then according to the needs of the age, other laws were approved or modified one after the other. The Constitution of 2002 was the first important document that facilitated Afghanistan's accession to the World Trade Organization; because the tenth article recognizes the market economy system and not only encourages and supports private investments and enterprises, but also guarantees their immunity. Articles 11, 41, 42, 47 and 57 of the mentioned law are also in various dimensions the foundation and facilitator of foreign trade and investment in Afghanistan. After a lot of hard work, in December 2015, this country managed to become a member of such a great organization (World Trade Organization (WTO) annual report 2020).

This article is a review to clarify the legal aspects of Afghanistan's accession to the World Trade Organization, which has been done using library information and documents in a descriptive-analytical way. The analysis of legal documents has also used the method of content analysis.

This article is organized in four main parts with sub-titles; in the first part general information, in the second part legal background, in the third part executive background and in the fourth part the process of joining Afghanistan to the World Trade Organization and Its results are discussed.

RESEARCH METHODS

This study is of a descriptive research type, which is collecting data and information in the form of a booklet, with a detailed review of the information and summarizing the issues raised from reliable sources, International and Afghanistan Trade laws with procedures regarding the legal aspects of Afghanistan's accession to the World Trade Organization (WTO) have been carried out.

RESULT AND DISCUSSION

General information

At the beginning of this short discussion, it is necessary to provide brief information about the World Trade Organization (WTO), its formation, goals and conditions of membership of the countries as an introduction to the subject.

World Trade Organization (WTO)

The World Trade Organization, which is at the center of the new world trade system, acts as an institution that governs the relations between the members of its agreements and other documents and appendices that are added to the World Trade Organization's constitution. According to Article 4 of the Agreement establishing the World Trade Organization, its organization includes the Conference of Ministers, the General Council, the Pillar of Dispute Resolution, the Board of Review of Trade Policy, Councils and Committees. (M. Herdegen, 2013. P: 178) The legal framework for the work and activity of the World Trade Organization is a general agreement (charter) and a number of annexed agreements in the fields of or includes (safeguards, customs valuation, pre-shipment inspection, rules of origin, and procedures for issuing entry permits), investment trade rules, subsidies and compensatory measures, sanitary and phytosanitary measures, technical barriers to trade, agricultural affairs, trade in services, commercial aspects of intellectual property rights, government procurement and non-government aircraft trade, etc (Kazemi, 2012).

Membership of countries in the World Trade Organization (WTO)

The least developed countries recognized by the United Nations as such will only be required to accept obligations and concessions to the extent compatible with their specific development, financial and commercial needs or their administrative and organizational capabilities. (WTO Morocco Agreements, 1994) Basically, the legal basis of the process of accepting countries in the World Trade Organization is provided in Article 7 of the 1994 Morocco Agreement, which is unfortunately very broad and open to interpretation. Based on this, any region and independent country can join the membership of the organization based on the terms and rules agreed with the World Trade Organization. In 2014, Yemen and in 2015 Seychelles, Liberia and Afghanistan became members of this organization. (Sabitian, 2014).

With the membership of the Islamic Republic of Afghanistan in the World Trade Organization, the membership of this organization reached 164 members in its 20th year of operation. In November 2004, it submitted its membership application to the World Trade Organization. First, in December 2004, it was accepted by the General Assembly as an observer government in the organization, until after 11 years, with the political and advisory support of the United States and the European Union, in December 2015, it became a member of the tenth ministerial meeting of the World Trade Organization to achieve the main goal of this organization.

The legal background of Afghanistan joining the WTO

The most important background of the government of the Republic of Afghanistan in the legal aspect of its accession to the World Trade Organization, which led to the amendment of past laws or the approval of new laws, includes the constitution and ordinary laws, which are examined below:

Approval of the new constitution

The new constitution of Afghanistan, which was approved in 2003, is mainly in line with the criteria and requirements of today's era in various fields, including economic. The absence of serious restrictions in the constitution actually helped Afghanistan join the world organization. In the introduction of the constitution (economic well-being, provision of prosperous life and healthy environment) are introduced as part of the goals of this law. In the tenth article, it recognizes the market economy instead of the centralized economy and specifies: "The government shall encourage, support and guarantee the protection and immunity of private enterprises and investments based on the market economy system, in accordance with the provisions of the law." In addition, in the eleventh article, the economic requirements of the country and the interests of the people are set as criteria for domestic and foreign trade, as follows: "The matters related to domestic and foreign trade, according to the economic requirements of the country and the interests of the people, are regulated by law." In Article 41 of the Constitution, one of the other important steps that lay the foundation for the growth of foreign trade in the country can be seen. And the fact that although the first paragraph of the aforementioned article excludes the sale of real estate for foreign investment, it states: "The sale of real estate to political missions of foreign countries and to international institutions of which Afghanistan is a member is allowed, in accordance with the provisions of the law."

In Article 42, it can be seen that there is no tax discrimination between domestic and foreign nationals, which is an important matter for encouraging foreign investment and opening the way for Afghanistan to join the World Trade Organization. As he clarifies: "Every Afghan is obliged to pay tax and revenue to the government in accordance with the provisions of the law. No type of tax or product is imposed without the law. The size of the tax and product and its payment method are determined by the law, respecting social justice. This ruling also applies to foreign individuals and institutions. In Article 46, the permission to establish private educational centers for foreign nationals is clearly seen and it is stated as follows: "The government can allow the establishment of public and special higher education institutions to foreigners as well, in

accordance with the provisions of the law.” Article 57 guarantees the rights and freedoms of foreign nationals, which the government guarantees. In this regard, the mentioned article reads: “The government guarantees the rights and freedoms of foreign nationals in Afghanistan, according to the law.” These persons are obliged to comply with the laws of the Afghan government within the limits of international law. Most importantly, in all chapters and articles of the Afghan constitution, there is no specific restriction or discrimination that prevents Afghanistan from joining the World Trade Organization (Constitution of the Islamic Republic of Afghanistan, Articles 10, 11, 41, 42, 46 and 57).

Approval and amendment of normal laws

Amending Banking Laws: The Central Bank of Afghanistan, which in the past was governed by the direct monetary policy system, was changed in order to keep the exchange rate stable in order to facilitate economic growth within the framework of the government's economic policy. For the practical realization of this goal, the activities of banks and the banking system were brought under the administration of the Central Bank Law of 2003 and the Banking Law of 2004. An important provider of the possibility of Afghanistan joining the World Trade Organization, in the banking field, the authority of the Central Bank of Afghanistan to issue activity licenses for other banks, domestic and foreign natural and legal persons to provide banking services such as creating accounts for clients, banks and non-bank financial institutions to implement. In this regard, other laws were also made, among which we can mention the law of mortgage of movable and immovable property, the law of sale of securities in 2009. In order to eliminate monetary inflation and stabilize prices, in October 2002, the new currency of Afghanistan was replaced by the previous currency, as a result of which, first, one US dollar was equal to 63.60 Afghanis and one euro was equal to 72.43 Afghanis, and the monetary inflation rate was 150%. It decreased to 8.4%. The income tax law was amended once in 2009 and again in 2015. In 2014, the Tax Administration Law was approved, and the Value Added Tax Law was also approved in April 2016.

Another reform carried out in order to harmonize the domestic laws with the agreements of the World Trade Organization and create ease for commercial and economic activities was the change of the currency system from the central payment economic system to the market economy system, which was done comprehensively.

In 2015, a new banking law was approved, according to which the ground for the establishment of representative offices for foreign banks has been provided. If the articles 34 to 46 of this law are dedicated to the same issue, and in addition, branches of such banks can also be established in Afghanistan based on this law. (Afghanistan, Banking Law, No: 1197)

Private Investment Law: In order to make it easier for foreigners, the Afghan government, based on Article 10 of the Constitution, approved the Private Investment Law in 9 chapters and 33 articles, which in itself is an important step towards the economic system, Market and facilitating the joining of the World Trade Organization. Also, in Article 6 of the mentioned law, a commission is provided with the competence of the ministers of trade and industry, finance, economy, foreign affairs, agriculture and livestock, mines and industries, and the head of the Central Bank of Afghanistan, headed by the minister of trade and industry of Afghanistan has it. The aforementioned commission has the authority to make decisions in the field of large investments and to monitor the investment process in Afghanistan. For the practical advancement of the above matters, the creation of a permanent administrative office of this commission under the title (Afghanistan Investment Support Administration or AISA) is also one of the powers of the commission, which is specified in this law. (Afghanistan Domestic and Foreign Investment Law, No: 869).

It was on the basis of this law that the Afghanistan Investment Protection Department was established and started operating in 2013. AISA is in fact the implementer of the decisions

and resolutions of the commission, which creates the necessary facilities in the investment sector in a timely manner. The distribution of investment license was one of the powers given to this office by the Investment Commission to do the work that in relation to small and medium-sized investments may take up to a month in the past, now within a day something is done; Creating this easy system called (one-stop-shop) business registration has become famous. (WTO Report on the accession of Afghanistan, p: 9)

According to the private investment law, during the distribution of licenses, ISA does not discriminate between domestic and foreign investors. One of the other goals of the Afghan government for joining the World Trade Organization in compliance with the Private Investment Law was to reduce the cost of doing business to make it affordable for the majority. In this regard, special measures such as the creation of the system (ASYCUDA) or the provision of cargo system equipment, the development of infrastructure and the implementation of simplified procedures, the normalization of new and modern institutions and the approval of free trade laws were undertaken.

The latest revised rules

In this regard, according to the information received from the Ministry of Justice of the Islamic Republic of Afghanistan, the Ministry of Trade and Industry of that country, through the official letter No. 239 dated 13/10/2014, addressed to the Council of Ministers of that country, under the guidance of the Executive Directorate of the Government of the Islamic Republic of Afghanistan, the list of laws sent them with the final date of the necessity of clearing, approving or modifying them, so that after the approval, they oblige the relevant departments to do it as soon as possible.

Implementation background of Afghanistan's accession to WTO

The most important of these measures and reforms are as follows:

1. Building the sector and national development strategy

In this regard, the most important practical measures were: ensuring security, agriculture and rural development, creating infrastructure and natural resources, education, health and nutrition, good governance, rule of law, human rights, economic supervision, private sector growth and social protection.) In order to speed up the implementation of the national development strategy, the government paid special attention to the following three sectors among the above priorities, which are (agriculture and rural development, human capacity development, and economic and infrastructure development).

2. Reforming the monetary and financial system

Due to the unification of the monetary and financial system, which is one of the conditions for joining the World Trade Organization, the government established a central revenue collection system by passing separate laws in the monetary and financial field, which was not the case in the past because the tax revenues are collected in the centers of different provinces and departments and are used there. In addition, he changed the bank clearing system, which was done classically, to the new automation system, which is in line with the usual standards of the world and meets the needs of today's era. In addition, in the tax department, the single tax system was replaced by the previous system. Because this required the amendment of the previous customary laws, therefore the related customary laws were also reformed in this regard. The government of Afghanistan at that time spent major efforts in three directions for the growth of domestic and foreign investment, economic development and acceleration of privatization, which

were all major goals and requirements of the country's accession to the World Trade Organization:

- Creating a suitable and stable environment to encourage competition among the private sector;
- Expansion of the territory for private investment in the field of natural resources and infrastructure development;
- Investment growth from domestic sources, Afghans abroad and foreign investors.

Along with other measures necessary for Afghanistan to join the World Trade Organization, one of them was the creation of a national development strategy (sector building), which was undertaken with the aim of building a basic foundation for economic growth and achieving the development of the third millennium by 2020. In the meantime, some basic sectors that can help the growth of foreign trade were targeted. The main mentioned sectors were (development of regional economic cooperation, growth of private sector, rural and agricultural growth, growth of banking and financial system, growth of communication and transportation system).

3. ***Privatization of state properties (state commercial institutions)***

Afghanistan took an important step in 2004 in order to prepare the ground for its accession to the World Trade Organization, first of all according to the regulations of the aforementioned organization and the tenth article of the Constitution, and that is to hand over some of its commercial properties to the private sector. (Asia Foundation report, 2007) By 2011, among the 65 large companies that were fully state-owned, about half were privatized, and many were partnered with private companies under the provisions of the Companies Act. According to this policy, a large number of government companies in the construction, industrial, commercial and transportation sectors were completely or partially handed over to the private sector.

4. ***Reform pricing policies and support free competition***

During the meetings they had with the working group of Afghanistan's accession to the World Trade Organization, the government of Afghanistan promised that from the date of accession of this country to the said organization, the pricing policy will be in accordance with Article III:4, III:9 and VI:1 of the Tariff Agreement and Trade GATT 1994 and Article 4 of the World Trade Organization on agriculture, which includes the control of spices and medical devices, will be implemented. In order to remove the legal obstacles from Afghanistan joining the World Trade Organization, the Afghan government amended the National Standard Law of Afghanistan based on Article 13 of the Constitution of Afghanistan in 2013, and the new law, if it is clear from the second article, is in accordance with the laws and regulations. Internationally approved, leaving it opens to respond to changes in any international standard. In this law, the mandatory standard is considered as a principle in export and import in accordance with international standards. In order to better implement and monitor the contents of this law, the formation of the (Supreme Standards Council) is foreseen in Article 7 of it, and according to Article 8, the duties of the aforementioned Council are specified, which include the approval of important plans and programs of the Supreme Standards Department and technical regulations. (National Standard Law of Afghanistan, No: 1107).

One of the legal actions of the Afghan government in order to join the World Trade Organization is the approval of the Competition Protection Law, which was approved on the basis of Article 11 of the country's constitution in 2008. In this law, there is no discrimination between domestic and foreign competitors. Article 6 of it reads as follows: “The provisions of this law are applicable to all natural and legal persons, both domestic and foreign, who operate in the market of goods, services or products in accordance with the provisions of the law in Afghanistan.” Article 14 of the aforementioned law is dedicated to the formation of the National Competition Board, whose members are considered to be competent and relevant bodies of various departments.

The process of Afghanistan's accession to WTO and its results

In this speech, it is considered necessary to briefly examine the working steps of Afghanistan's accession from action to implementation and the legal results it has had and is having under separate headings:

The process of Afghanistan's accession to the WTO from the stage of submitting an application to obtaining membership

Afghanistan's accession process was such that one month after receiving that country's request in December 2004, the organization formed a working group to review Afghanistan's request under the chairmanship of the Netherlands. The aforementioned group started its work based on Article 12 of the founding statute of the World Trade Organization and held five official meetings from 2011 to 2015. Industrialized countries, which are the main exporters and operators of world trade in the framework of the World Trade Organization (WTO), with the application of membership by a country like Afghanistan, for easy and cheap access to raw materials and a new market that does not have the ability to compete with them. Well, they got a good opportunity. It was from here that he laid the groundwork with his political advice and support so that Afghanistan could get such a membership.

In 2009, Afghanistan sent its policy and legislation document to the World Trade Organization. The draft that was presented to that organization by the Afghan government met with different reactions from the representatives of participating countries. The majority opinion about the draft was that it was written in a complicated and fundamental way and more adjustments and simplifications should be made. The countries that are members of the WTO are committed to a series of principles and principles, according to which the privileges and facilities that are considered for the member countries of that organization, are applied equally to all. (WTO Report of Afghan delegation in Geneva, 2013). During various meetings, the member countries of the organization answered their questions, which were mainly about laws, administrative corruption, unnecessary taxes and customs tariffs under the headings of municipalities, roads, transportation, scales, reconstruction and the like, in 168 questionnaires. They were sent to Afghanistan. During the years 2010-2011-2012, the Afghan government answered the questions with 139-153-168, respectively, and satisfied them (Afghanistan Chamber of Commerce and Industry report, Geneva 2012).

Following that, Afghanistan continued its discussions and consultations with the working group of the World Trade Organization and representatives of other member countries regarding the accession of Afghanistan and used the experiences of other countries to join this organization. Between 2012 and 2014, bilateral and private negotiations for access to the market, goods and services were carried out with the countries of Canada, America, European Union, Turkey, Norway, Japan, Thailand, Taiwan and South Korea in the process of Afghanistan's accession to the organization. It left a positive impact. By accepting Afghanistan's membership package in Nairobi, the World Organization set priorities for this country that must be completed by June 31, 2016, the most important of which were as follows:

1. Approval of Afghanistan's accession package to the World Trade Organization by the cabinet;

2. Approval of the said package by the National Council;
3. Ratified by the President of the country;
4. Sending the mentioned package to the World Trade Organization;
5. Establishment of public information centers in the Ministry of Trade and Industry of Afghanistan;
6. Creation of information centers related to technical barriers to trade (TBT) in Norm and Standard Department;
7. Establishment of information centers and food control department in the Ministry of Public Health. (Ministry of Trade and Industry of Afghanistan's report on accession to the WTO 2016).

The work priorities were completed as soon as possible and the Afghanistan accession package, which was accepted by the World Trade Organization in December 2015 in the House of Ministers of the member countries in Nairobi, Kenya, was approved by the parliament on June 21, 2016. Subsequently, it was approved by the President of the country and on July 29, 2016, Afghanistan officially became a member of the World Trade Organization (Ministry of Trade and Industry of Afghanistan, 2016).

Obligations accepted by Afghanistan

1. Afghanistan concluded 9 bilateral agreements on access to the goods market with the countries of Canada, Japan, South Korea, Norway, China, Thailand, Turkey, the United States and the European Union and seven bilateral agreements on access to the service market with the countries of Canada, Japan, South Korea, Norway, It has accepted China, the United States and the European Union. According to Afghanistan's commitments, the average nominal tariff rate for all types of goods should be reduced to 13.5%. For agricultural products, the average rate is 33.6% and for non-agricultural products, the average rate is 10.3%.
2. Afghanistan is committed to joining the Information Technology Agreement (ITA). According to this agreement, all members of the world trade are required to remove the tariff of IT goods. Foreign citizens or foreign legal entities will have the right to lease land from the government for 90 years, and this time period can be extended. Afghanistan is still committed to joining the agreement on telephone and digital communications.
3. Afghanistan is committed not to create any restrictions on the entry and activity of foreign insurance companies and banks. Afghanistan can impose restrictions on the amount of money leaving the country. The minimum amount of foreign direct investment for a business unit is set at 120 thousand US dollars. There is no requirement to invest in this country for doing business with Afghanistan.
4. Afghan citizens, foreigners and legal entities have the right to participate in activities related to export and import. For this purpose, foreigners must conclude purchase and sale contracts with Afghan persons, or register a legal identity within Afghanistan. Afghanistan does not impose any tax except the 0.2% Red Crescent tax on imported goods, and this tax must be removed in the next 15 years.
5. Laws and regulations and regulations related to taxes and duties on imported goods within the country must be fully compatible with the requirements of the World Trade Organization. The three percent fixed tax on imported goods should be removed immediately. The two percent flat tax on imported goods should be eliminated before 2021. The pricing of goods in customs is based on the international customs valuation agreement, and the use of fixed price method or other methods is prohibited.

6. Afghanistan's regulations regarding the origin of goods and pre-shipment inspection must be consistent with the relevant regulations in the World Trade Organization. Policy and legislation in order to support domestic production should be compatible with the relevant regulations in the World Trade Organization. It is possible to implement any anti-dumping, retaliatory or protective measures after the recognition of the World Trade Organization and in the framework of the organization's regulations. Afghanistan is committed to implement the requirements and regulations of the World Trade Organization in order to improve the level of transparency. Afghanistan will report the performance in the field of privatization to the World Trade Organization until the end of the privatization plan (Saadian).

According to the report presented by the working group of the World Trade Organization for the accession of Afghanistan to that organization, until now this country has submitted 76 titles of laws in various fields related to the activities of the World Trade Organization and in accordance with its regulations and agreements to the relevant working group. has been presented, but it requires that according to the arranged tables, which include technical agreements beyond trade, commercial aspects of intellectual property rights and the application of sanitary and phytosanitary measures, the final implementation of each by preparing laws in accordance The schedules were implemented in the following order:

1. Full implementation of the Agreement on Technical Barriers to Trade (TBT) until January 2018.
2. Final implementation of the Agreement on Commercial Aspects of Intellectual Property Rights (TRIPS) until January 2019.
3. Final implementation of the agreement on the application of sanitary and phytosanitary measures (SPS) until January 2020. (Report of the working group of Afghanistan's accession to the WTO, 2015).

Also, one of the main demands of the International Trade Organization in Afghanistan's export sector is to increase the quality of export goods, especially in the export sector of fresh and dried fruits, vegetables, medicinal plants, precious stones, carpets, etc., which according to them, so far Afghanistan has not been able to package and export its goods according to international standards. (Afghanistan ACCI report, 2015) According to the report of the Ministry of Trade and Industry of Afghanistan, this country has reserved the following important privileges in the agreement with the World Trade Organization:

Customs tariff ceiling in the market access section:

1. In about 300 extremely sensitive industrial items, no commitment has been given (the government can impose any type of tariff it wants). Such as cement, hair accessories, salt, shampoo and soap, wood and metal crafts, furniture, handicrafts, carpets, clothes, mirrors, bicycles, wool, etc.
2. About 1001 items of sensitive industrial property have been capped at a rate of 20% to 50%, the main of which are agricultural industries, meat processing, food processing, wire, pipes, leather, bags, textiles, rubber, and accessories. Roofed surface 25.20.
3. Around 414 items of sensitive agricultural and agricultural industries have been capped at a rate of 30% to 70%, the main of which are: juice, water, pure soft drinks and energy.
4. 65 items of prohibited goods, including pork, items related to pork, as well as alcohol, alcoholic products, and chemical substances used for explosions, have been banned.

Customs tariff ceiling in the service market access section:

1. The total number of service sectors listed in the World Trade Organization is 160 sectors, while Afghanistan's proposal contains about 100 service sectors.
2. No commitment has been made in the energy and pipeline services sector.

In summary, it has been said that in the field of service delivery, Afghanistan's obligations have been set up keeping in mind the applicable laws in such a way that the human resources of Afghanistan will be used the most. (Afghanistan's Ministry of Trade and Industry report, 2016).

Advantages and disadvantages of Afghanistan joining the World Trade Organization

Taking into account the economic situation, geographical location and other current conditions of the country of Afghanistan, about whether Afghanistan was looking for any benefits from joining the largest World Trade Organization (WTO) and whether this country can really determine the benefits from this great economic game, whether he can achieve it or not, there are different views that cannot be examined and compared between opposing and supporting views in this brief discussion. But as far as it is evident, on the one hand, since the country of Afghanistan is facing many problems in the economic and transit fields, without a doubt, its accession to the World Trade Organization, by granting exceptional privileges to backward countries like Afghanistan, can be a way to overcome the existing problems and pave the economic growth of this country (Azizi, 2014).

On the other hand, because in the current situation, due to the successive wars, Afghanistan has become a pure consumer country and will lose a significant amount of its customs revenue by applying and applying the regulations in the World Trade Organization (Hafezi, 2016). In fact, this matter is more related to the people involved in the economic field of Afghanistan, to what extent they can prevent the damage of this important annexation and achieve more economic benefits (Husaini, 2015).

CONCLUSION

From the study and analysis of the legal aspects of Afghanistan's accession process to the World Trade Organization, it is concluded that this country has accepted the necessary changes in its previous laws and introduced new laws that were not previously discussed in the country on the way to its goal. has done Taking into account the previous explanations, we can say that Afghanistan's membership in this organization will enable the country to develop its business to various countries in Asia, Europe, America and other continents and use the existing opportunities to solve its transit problems with Pakistan.

Also, the elimination of the implementation of the dumping policy, which is implemented by Pakistan and some other countries on Afghan products, will be raised under the umbrella of this organization. Even Afghanistan has the opportunity to claim and receive compensation for the damage caused by the wrong policies of other countries. Because according to the regulations of the World Trade Organization, no member country has the right to create barriers against the exports of other countries. by using the advisory section of this organization, Afghanistan can take action for its economic reforms, especially in the trade and transit sector, and by using the standards of this organization, step by step and cautiously, make permanent amendments to its commercial laws. By imposing restrictions, tariffs, standardization of products, exports, imports, eliminates extortion... to reform its economic and commercial system, which will eventually lead to the growth of domestic production, attract investment, raise the level of employment, and in general, lead to the growth of the country's trade and economy.

In addition to all these positive points, Afghanistan's joining the World Trade Organization is like entering the usual field of slaughter in Afghanistan. Whoever has more bargaining power and the possibility of more production and free industrial competition will be the winner of the field. Since Afghanistan is known as a depreciating country in the current situation, some members of the World Trade Organization tried to expand the supply market of

their export items by facilitating the country's accession to the said organization, and on the other hand, to the raw materials that It is available in Afghanistan, easily and cheaply accessible.

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