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Analysis of NGOs Advisory Status in International Environmental Law

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Abstract:
Earth is one, but the world is not so. This formula reminds us that humans are on a ship. But to the number of states, there is a captain! Fortunately, the need for international cooperation has intensified at the beginning of the 21st century. In any case, if the rules for unhealthy or hazardous institutions, the pollution of the environment, waste, mountains and beaches are properly implemented and there is a co-ordination between the law enforcement agencies with each other and with the people as well as between the governments, it was somewhat hoped for environmental protection. On the other hand, current non-governmental organizations in the world, as well as being viewed as an expression of democracy in societies, as part of the government's parallel institutions, are part of its operational burden. In addition, non-governmental organizations play additional supervisory and executive roles for other components in the network, so that without their presence, the international environmental law system does not have the coordinates of a complete and complete system. For this purpose, the present paper analyzes the status of NGOs advocacy in international environmental law, and identifies the dimensions, design and adoption of policies and strategies at national, regional and international levels.

Keywords: International Law, Nongovernmental Organizations, Environment, Consultation, Politics

Introduction

Although generally speaking, environmental protection can be found in public international law, the emergence of advisory status of NGOs in the advisory capacity of international environmental law as a branch of this field is relatively new. The first spark of this legal branch was held at the 1972 Stockholm Conference and accepted by the conference's statement. The statement, while not binding in law, expresses the important principles that are now underpinned by international environmental law. (Ansari, 2016, pp. 12-16)

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Another characteristic of the advisory status of NGOs in the advisory capacity of international environmental law is that the basis of these rights is based on soft law. Laws on Declarations, Declarations, Principles of Execution and … . Based and does not guarantee strong legal enforcement. Although the advisory role of NGOs has gradually progressed to the advisory role of international environmental law, it is now possible to find some of it in international legal collections. (Beikzadeh, 2012, pp. 5)

Accordingly, "responsibility" in the consultative body of NGOs in the advisory capacity of international environmental law is based on "soft responsibility". Although traditional legal texts on "hard responsibility" can be found in the advisory capacity of nongovernmental organizations in the advisory capacity of international environmental law, including the "international responsibility of transboundary pollution," but the position Advisory NGOs in the advisory capacity of international environmental law are trying to recognize a civil liability based on "compensation." This type of responsibility is known as a liability due to an "error", not a liability arising from "verb or abandonment of the verb" that the element "crime" represents. (Beikzadeh, 2012, pp. 15)

The legal techniques used in this legal branch are also one of the unique features of international law. On the one hand, the advisory role of NGOs in the advisory capacity of international environmental law is based on the very general principles of law recognized in declarations and declarations, on the other hand, using the legal technique of the "Convention" - The protocol is, in part, precise and specific to the environmental protection of a particular region or part. The "convention-protocol" legal technique is a technique that is specific to a particular sector or area and is less transferable to other sectors or areas. (Kiss, 1993, p.793)

Given soft law and soft liability, "soft cast" is also emerging as an advisory body for NGOs advising on international environmental law. The "government", in its traditional and traditional sense, is not the only international actor, although it has always played an important role in the formation and implementation of the advisory status of NGOs in the advisory capacity of international environmental law. But non-governmental organizations have gradually been able to shape, formulate, implement and monitor environmental rights.

Though NGOs in other areas of international law such as international economic law, international criminal law, and so on... The role of these groups in the advisory role of nongovernmental organizations has been prominent in the advisory role of international environmental law. Participation in international conferences such as Stockholm, Rio and... Recognition as an observer in international conventions indicates the role of non-governmental organizations as "actors" in international affairs. Obviously, the most important tool of non-governmental organizations is Global Public Opinion, which today is considered as one of the new phenomena in the field of communication.

As McCaffrey points out, the advisory role of nongovernmental organizations in the advisory capacity of international environmental law is expanding in various dimensions. In this framework, the protection of the international waterways, instead of the traditional protection of the surface water network, the adoption of management-development-oriented policies, rather than approaches to solving cross-sectoral problems, will protect the conservation of

fish (aquatic) rather than fishing (fishery) Recognizing the principle of "fair and logical use of land" instead of the principle of "no harm to common international sources", new approaches to the advisory role of nongovernmental organizations are in the advisory capacity of contemporary international environmental law. (Stephen, 1993, pp.87-111)

Considering what was stated in this paper, we will study the advisory status of NGOs in the advisory capacity of international environmental law.

2. Research background

Debirie et al. (2016), in an article titled "The Study of the Principles and Concepts of International Law on the Environment," outlining sustainable development, states that almost all the principles of international environmental law are used to prove the concept of sustainable development.

Seyed Abbaspour Hashemi (2015). In an article titled "New Development in the Advisory role of NGOs in International Environmental Law, Emphasizing the Convention on the Rights of Exploitation of International Waterways for Non-Eco-Design Purposes 1997," the ratification of the 1997 Convention on the Rights of Non-Maritime Use of Inland Waterways an important step in the development of the advisory role of nongovernmental organizations in international environmental law is contemporary environmental. A development that is more than anything else inspired by modern legal principles.

Mashhadi and Rashidi (2014) In an article entitled "Impact of sanctions on the environment and energy" from the perspective of international law (Iran's case law), the imposition of international sanctions has numerous effects on the national level. In recent years, in the context of widespread multilateral and unilateral sanctions against Iran, this paper examines the effects of sanctions on the environment and energy from the perspective of international law.

Mashhadi and Keshavarz (2013) state that the philosophical basis of the right to the environment emanates from the three concepts of value, interest and necessity, in an article entitled "Reflection on the philosophical foundations of the right to a healthy environment." There is a different perspective on whether the human need for a healthy environment or the interests of human societies, or the sole value of human beings, is the basis for the right to a healthy environment.

Abdullahi et al. (2012) in an article entitled "Legal assessment of air pollution standards in stationary sources, polluting air pollutants in a basic division into fixed resources and moving resources." In the legal systems for clean air protection, less attention has been paid to sustained sources of pollution. In the context of the law, how to prevent air pollution, factories and workshops along with domestic sources are the most important sources of constant pollution sources.

In a paper titled The Advisory role of NGOs in international environmental law, the human-centered, pivotal thinker, Star-e-Zabahh points out that, while praising the advocacy and advocacy efforts to legislate and promote environmental rights, Creator-centric approach to assessing the quality of communication with nature has been addressed.

Kent McCullion (2003) states in an article entitled "Implementing Justice for the International Environment, Rights and Solutions" that a lack of an international reference point for a good deal with environmental crime is evident. Establishing an international tribunal will undoubtedly strengthen the incentive to

support the international environment and increase access to effective judicial mechanisms globally.

3. The commitment of States to respect the environment

The commitment of governments to respect the environment, that is, their commitment to infect areas beyond their jurisdiction. Governments should encourage public awareness and public participation by providing information to people, effective access to judicial and administrative authorities, and judicial and administrative enforcement, including punishment and compensation, should be guaranteed.

By planning and legislating, governments can succeed in their goals in the environment. (Ansari, 2000, pp. 25-33)

The member states commit to promoting, protecting and improving the environment. In addition, since the 1970s, the right to a healthy environment has been identified and supported in the basic laws, including Article 53 of the Constitution of the Republic of Iran. (Vafadar, 2007, p.102) This right establishes a close relationship between man and his environment.

A special and innovative relationship that does not depend on ownership or economic interest. Identifying this right requires the prediction of appropriate mechanisms and mechanisms to guarantee it, especially in terms of the judiciary.

Article 11 of the Convention stipulates that Governments must keep national and international environmental documents, such as strategies, plans, as well as reports on how they are implemented. Here, we should refer to the principles of international documents and activities. Governments should publish international documents, resolutions and recommendations of international conferences in their native language, especially when these documents are the mechanisms by which the applicants have the right to environmental information or their participation in environmental affairs. (Vafadar, 2007, p.104)

Also, governments are responsible for informing individuals, as appropriate, about the possibility of submitting a complaint or report to international authorities and institutions competent to receive reports of non-compliance with environmental obligations.

Article 9 of the Convention provides for the possibility of referral to the judicial and administrative authorities designated by the law in the event of failure to submit environmental information, in addition, the proceedings should be out of time or very small. According to this article, judicial and administrative decisions taken in this regard should force government officials to submit the requested information.

Finally, governments are required to take the necessary measures to inform the citizens of the possibility of complaints and complaints if one of the government agencies refuses to provide information requested by citizens. But in the case of environmental information, Article 2 of the Convention provides a broad definition of environmental information. According to this article, environmental information includes such things as water, soil, air, human health, planning for soil use, living conditions, and the like. In addition, the convention considers cases of economic analysis and evaluation used in the framework of the decision-making process for environmental affairs as an example of environmental information. For the first time in this convention, human health is considered a part of the environment. Human health, in the field of the environment, was the result of the activities of nongovernmental organizations that played a very important

role in the drafting of the convention. The convention is one of the first international conventions that the NGO has played in roughly equivalent to the role of governments in its formulation. (Vafadar, 2007, p.104)

4. International Government Responsibilities

1 - The specific attribute of international responsibility for environmental damage is one of the important legal concepts that regulates relations between governments and the principle of state governance. According to this principle, States are free to use their natural resources within their territory to the extent that they do not interfere with the rights of other governments in this field. Hence, the principle of state governance guarantees the right to independent exploitation of its existing natural resources and the right not to invade the land of others. Therefore, if the government activity results in transboundary environmental damage or the risk of causing such damage, the government will be questioned. In order to solve such a problem, several concepts have been developed in international law, all of which, when applied to a particular case, face serious problems and are not sufficient to resolve disputes.

In practice, it is difficult to assume responsibility for international environmental offenses. Because it is not remarkable for damages or that the rules for liability solely for liability arising from the mistake are not properly implemented internationally. This has led international law specialists to be categorized as "effective" between international non-international law and "credibility." According to traditional international law, governments are usually directly responsible for such acts. Unless they are proven that they are committed to controlling the dangerous activities of individuals within their jurisdiction, but have failed. But given the industrialization and the increased risks of transboundary environmental damage, there is a growing need for creating special rules that are precisely applicable and effective.

Obtaining a breach of the primary rules of international law by a state is a precondition for the loss of the state's right to compensation. If this breach is proved, the offending government is obliged to compensate for all losses, otherwise it is not obliged to compensate for anything. (Taghizadeh, 1995, p.138)

Governments have no obligation to compensate for damage caused by activities not prohibited by international law. In addition, according to traditional international law, the offending act that results in cross-border damage only entails an obligation to stop the operation. But does this traditional international law deal with international liability for transboundary environmental damage?

Due to the lack of progress in the development and evolution of an effective system of responsibility, many international lawyers have been trying to expand the scope of the responsibilities and obligations of governments. Unlike traditional scholars and legal scholars, they took government responsibility into account after transboundary environmental damage. Today's analysts are seeking to apply formal and executive functions to governments, such as assessing the potential environmental damage caused by the activities and actions of the frontier of another country, as well as the duty to inform other countries of their activities in terms of creating environmental damages Transboundary environmental environments are a threat to apply the doctrine of state responsibility before pollution is committed. (Iranian Environment, 2003, p.13)

The new thinkers of international law believe that the application of the theory of

state responsibility after the occurrence of damage at the outset promotes the spread and growth of conflicts, weakening cooperation and the impossibility of avoiding losses. International law scholars argue that the implementation of state-of-the-art actions and enforcement, governments will deal with cross-contradictory "conflict avoidance" cooperation. (Banan, 2008, p. 5)

Of course, there is a theory opposing the previous views that the above-mentioned system is an inadequate understanding of the system of international responsibility of states, and the move towards formal and executive accountability is the ultimate provider of international affairs and unification.

It seems that, because it is based on the above considerations, it is necessary to distinguish between the liability of the offender and the liability arising from actions not prohibited by international law. And so the work of the International Law Commission is remarkable in this regard.

Constituent elements of liability for environmental damage in general, in accordance with international law, for the purpose of accountability, the following conditions are necessary:

A: Attribution of a harmful verb to the state.

B: The existence of the relationship between the verb and the damage.

C: Determine whether international law has been violated or the principle of appropriate effort has been made.

A: A harmful verb (violation and attribution)

In order to conceal government responsibility in terms of environmental damage, the Shaki government must first prove that it has been regarded as a detrimental act attributable to the state. This issue is anticipated in both the international judicial process and the draft convention on the responsibility of governments. Accordingly, acts committed by organs or representatives of a state that is incomplete with an international obligation may be attributed to that state: Therefore, in order to assume responsibility, it is essential that a particular behavior be attributed to a government. Article 2 The Rio Declaration is clear in this regard. It obliges Governments to ensure that no damage to their land is brought to other states, and that there is no difference between the act of government and private individuals. The same is stated in the 1941 Trail Osmler. Governments are obliged to support other governments against harmful acts committed by individuals within their national jurisdiction.

There is, of course, the opposite view that governments can not fully control the behavior of their citizens, because people are not subject to state control due to human rights.

B: Offended action and principle of appropriate effort

After the harmful act and the causal relation have been established, it is necessary to establish in law the liability, what kind of abusive action or lack of appropriate effort to fulfill the responsibility is sufficient. There are two theories in this connection: (UNESCO, 2012, p. 159)

1. A government that does not endeavor appropriately or violates the rules of international law. Is responsible.

2. Where a significant environmental damage occurs, responsibility is created.

Governments have a duty to take all reasonable measures to prevent transboundary damage: for example, when a state loses the necessary environmental regulations, that activity can be attributed to the government and in fact, the country has violated its international obligations. If the government carries out the necessary precautions, but private

entities within the jurisdiction or jurisdiction of the country have caused a major and fundamental damage to the environment of another country, the State of origin, loss, must take all necessary steps to punish and punish Offenders. Otherwise, the infection may be attributed to that state.

C: Violation of the obligation

Regarding this element of responsibility, it should be noted that general international law mainly seeks to determine the extent of the rights and duties of governments. Today, international law is moving more and more towards international cooperation. Many multilateral treaties have created obligations that, moreover, are not merely antagonistic, but are applicable to the international community as a whole. International environmental law, which refers to global markets such as the oceans and the atmosphere, is guaranteed by such universal commitments. Therefore, the type of government's commitments in this area is different, and thus the acquisition of a breach of obligations will be more complicated. However, in order to prove the responsibility of governments, it is necessary to violate an international obligation and to inform the government that the breach an international commitment.

5.Principles of international environmental law related to sustainable development

5.1. Principle of the rule of natural resources

Governments have a monopoly of sovereignty over their natural resources, but the exercise of this right should not result in damage to the environment of other countries or areas beyond the jurisdiction of States. (Dabiri, 2007, p. 214)

Indeed, the sovereignty and exclusive jurisdiction of governments on their homeland essentially means that they can only extend the policies and rights associated with their natural resources and the environment of their land. The scope of sovereignty over natural resources is:

1. Territory within the borders and underlying soil

2. Internal waters such as lakes, rivers

3. Land and subsoil resources and substrate

4. High space of soil, internal waters and territorial sea to the extent that the legal system of the atmosphere of the atmosphere begins. Governments also have more limited tenure rights over other areas, including adjacent regions, near the territorial sea, the continental shelf, submarine and sub region, and the exclusive economic zone. (Dabiri, 2007, p. 214)

Apart from the above, there are areas that are not under the sovereignty of any country, which are sometimes referred to as global commons, including free and seas, and underneath, the outer atmosphere and the South Pole.

The rule of natural resources has been interpreted as a source of a series of tasks. In particular, the task of sustainable and prudent use of natural resources, biodiversity conservation, and the elimination or reduction of soil erosion, deforestation, unchecked pollution and pollution.

The Stockholm Declaration (972) was one of the first documents that stated:

The principle of sovereignty over natural resources must be applied in an environmentally sound manner. And explicitly in Article 21 of the Stockholm Declaration, states state that, in accordance with the United Nations Charter and the principles of international law, they have the sovereign right to exploit their natural resources in accordance with their environmental policies. It is added that Principle 21 of the Stockholm Declaration is

fully incorporated into Article 3 of the Biodiversity Convention 992 and Section A of the First Principles of Forests (1992).

Then Principle 2 of the Rio Declaration (1992), with a brief but useful change, repeats this and adds the terms "environmental policies" and "environmental and development policies". This principle is also included in the introduction to the Convention on Climate Change (1992).

After pointing out Article 21 of the Stockholm Declaration and Principle 2 of the Rio Declaration, as internationally applicable documents, the Court of Justice considers these principles as part of the advisory role of non-governmental organizations in advancing the status of advisory on international environmental law. (Dabiri, 2007, p. 216)

The fact is that environmental degradation can cause global damage, even when it is completely outside the borders of a country. One of these damages (destruction of the ozone layer, global warming, climate change, soil erosion, desertification, etc.).

Using Article 21 of the Stockholm Declaration and Principle 2 of the Rhine Declaration, which has a common root. We can lead countries to accept the overall commitment to environmental protection and, ultimately, sustainable development.

The New Delhi Declaration, India (April 6-2, 2002), as well as in the second paragraph of the first principle, obliged governments to manage the natural resources of the land or under the national law in a wise and sustainable manner, considering the development of nations with particular attention to salaries Indigenous people consider the conservation and sustainable use of natural resources and the protection of the environment, including ecosystems. It goes on to say that governments must take into account the wishes and needs of future generations. All relevant factors (including governments, relevant industries and other components of civil society) are required to prohibit the abusive use of natural resources.

Also, the third paragraph of the first principle of the declaration states that the protection and protection of the natural environment, especially the proper management of the climate system, biodiversity, animals and plants, are common humanitarian issues. Outside of the atmosphere and celestial objects, and the resources of the seas and oceans and subsoil under national boundaries, are the common heritage of mankind. (Delhi Declaration, 2002, p. 12)

5.2. Principle of Commitment to Cooperation, Information and Assistance in Environmental Emergencies

In the field of environmental protection, international cooperation for environmental protection is a necessary principle, in particular for governments to exercise territorial jurisdiction outside their territory and borders, including the Free Seas, the Antarctic Region, or places This cooperation is no longer necessary.

According to this principle, governments are required to cooperate with each other in good faith to protect the environment in all circumstances. In this regard, they must inform other countries of potential environmental hazards before the occurrence of environmental incidents and cooperate with them in order to prevent the spread of such destructive effects on the environment and to the countries exposed. Risk also help.

The principle of the commitment to the cooperation of all countries in the world in protecting the environment has been cited in many international instruments, including the Stockholm Declaration, the Rio Declaration, some resolutions of the UN General Assem-

bly and international judiciary rulings. According to this principle, the court examining the case in Hungary and Slovakia stated that Slovakia had violated its obligations under international law due to "lack of good faith": the commitment to cooperate, the range of cooperation, the provision of Provide the necessary resources and technology and organize training courses for the exchange of information and advice and assistance in case of environmental emergencies. (Nazemi, 2006, p. 44)

The Stockholm Declaration, in principle, outlines the scope and issues for cooperation, and then states the commitment of governments to the activation of international organizations as the largest symbol of government-to-state cooperation in the field of the environment. Principle 24 of the Declaration also proposes solutions for international cooperation, such as: "Concluding bilateral or multilateral agreements", of course, the cooperation has not only been limited to these routes, and further, the other methods which have been identified by the governments themselves, mention has been.

In this context, the Stockholm Declaration provides only a few general principles relating to the process of international cooperation with limited titles and an arrangement for international cooperation in the exchange of information on activities or events occurring within the scope of national jurisdiction for the environment of the regions Outside of these ranges are dangerous. (Momtaz, 1996, pp. 261-271)

But the Rio Declaration filled this gap and laid the foundations for the commitment of governments, and the public commitment to co-operation underpinned many other obligations, including the obligation to exchange information, to consult, negotiate and inform. Below are some of the principles of the Rio Declaration on this principle.

The principle of the obligation to consult when carrying out hazardous activities or emergency nuclear incidents and assistance in these cases is also an example of a commitment to cooperation in the field of environmental protection. This is of particular importance in certain conditions, such as extensive marine pollution and nuclear incidents. Countries should also assist them in emergency situations, in addition to exchanging information and consulting with countries at risk. At the same time, it should be noted that any assistance should be made with the request and permission of the country in question; otherwise, an unlicensed assistance to the affected country will be considered as an intervention in its internal affairs. It should be noted, however, that, based on the advisory status of NGOs in advancing the status of advisory services in international environmental law, interference in the affairs of other countries is prohibited under the pretext of protecting the environment.

It should be noted that the principle of notification in Article 198 of the 1982 Maritime Law Convention also enters into force, according to which a government, immediately upon knowledge of the imminent danger of occurrence or entry of damage to the marine environment, issues to other states that are likely to Damage to them will inform you. The International Court of Justice, in the Corfu Channel, has stated that Governments are required to inform other States of potential dangers in their territory. (Nazemi, 2006, p. 14)

In line with international investment and financial assistance in relations between developed countries and developing countries, Article 20 of the Convention on Biological Diversity is an appropriate example for this purpose, in which developed countries must provide new and additional funding. Devel-

oping countries will be able to meet the full costs of agreement on the implementation of the necessary measures in accordance with the obligations of this Convention. (Habibi, 2015, p. 29)

Hence the principle of cooperation. Therefore, the principle of cooperation is one of the most important principles of the advisory status of NGOs in advancing the status of advisory in international environmental law and most of the principles and regulations of the advisory status of NGOs in improving the status of advisory in the law of inter Environmental education will not be possible without cooperation between governments.

5.3. Principle of protection and protection of the environment

However, in all international instruments for protecting and protecting the environment, the objective is to circumvent certain categories and issues, the general principles of the existence of all the requirements of a general principle are an exception. One of the specific texts on this principle is Article 192 of the United Nations Convention on the Rights of the Sea, which states that governments are committed to protecting and protecting the marine environment. Of course, it should be noted that this engagement is merely a part of the environment. However, it includes a remarkable general principle that all maritime areas, including those parts of the territorial sea that are exclusively owned by the coastal state and which share common areas, such as free seas or even common heritage of mankind, such as sea bed minerals, are also includes.

The Convention on Biological Diversity (1992) also deals with the diversity of species in Article 6, a general list of measures that should be taken to protect and make reasonable use of biological resources. Including: reasonable development strategies to complete plans or programs to the extent possible and appropriate for the appropriate protection and widespread use of biological diversity in appropriate plans, programs and policies for segmentation and erosion Applies. In other areas, under the 1992 Climate Change Convention, Article III, paragraph 1, states: "Members must support the climate system in favor of current and future generations." Also, Article 4 specifies more detailed obligations for the parties to the treaty.

5.4. The principle of prevention

Environmental regulations must anticipate and prevent the causes of environmental degradation. When there are serious threats and irreparable damage, failure to fully identify these threats should not be a reason to postpone the rules for preventing environmental degradation.

The experience and opinion of the scientific experts proves that the principle of environmental avoidance, both ecologically and economically, is considered a "golden rule". Because it is often impossible to compensate for the damage to the environment. These irreparable injuries are spicy from:

The extinction of plant and animal species, soil erosion or even the discharge of dirt-contaminating materials into the sea creates irreversible conditions. Even if the damages are compensable, the cost of recovery is expensive. (Habibi, 2015, p. 29)

Approximately, all documents of the advisory status of nongovernmental organizations in improving the status of the advisory body in international environmental law have conceived the principle of the prevention of environmental degradation as a fact, most of which concern the pollution of seas, inland waters, air or protection It is a living resource and only a small number of international in-

struments, other ways of protecting the environment, including the traditional principle of government responsibility for direct cooperation with victims of environmental degradation have been considered.

The principle of prevention requires the use of special techniques, such as risk analysis, and then an assessment of the consequences of the activities.

In accordance with Article 206 of the Maritime Law Convention: Whenever Governments have reasonable grounds for doing so, it indicates that activities that are planned or supervised under their jurisdiction have caused severe pollution of the marine environment or major and harmful changes to it. Should, to the extent feasible, evaluate the potential impacts of these activities on the environment and send reports to the members on the results of these evaluations.

In the Rio Declaration, principle 17 actually provides a definition of environmental impact assessment. The principle of the prevention of the obligation is that any government must "try to" enforce the rules, based on "fair practice" and properly and in the general order, the activities of the private sector under its jurisdiction and on the harmful environmental sector Not Be The principle of non-abuse is emphasized as an absolute duty to prevent all losses, but the requirement that states refer to prohibitions of activities is when that activity causes serious damage to the environment. For example, the discharge of toxic waste into an international lake should be minimized, based on the damage done by the results of authorized activities. For example, limiting the discharge of sulfur dioxide in the air is effective. (Habibi, 2015, p. 30)

5.5. The precautionary principle

In order to achieve sustainable development, policies should be based on the principle of prudential action. At a time when the principle of prevention did not allow the ESA's work on all environmental protection provisions, the precautionary principle was taken into consideration and further developed. (Habibi, 2015, p. 30)

This principle can be considered as one of the most important initiatives of the Rio Declaration. As stated in Article 15 of the Rio Declaration, "in order to preserve the environment, countries must adopt preventive measures based on their abilities."

Referring to "governments", globalization involves the implementation of the principle, and "paying attention to the power of each state" represents a shared but different responsibility of governments. In Article 3, paragraph 3, of the Convention on Climate Change, the complexity of the negotiations is reflected. It is better for the treaty parties to provide precautionary measures to predict, prevent or minimize climate change and reduce its adverse effects. That these criteria should be in the best interest of the world at the lowest possible cost.

The result of this principle is that governments can only do something to show that it does not cause unacceptable environmental damage. Although this interpretation and conclusion of the principle under discussion is intended to curtail the sovereignty of the countries, the World Bank has "practically followed it" to give it a loan, similarly, even with regard to non-verifiable environmental damage (such as Creating a gap in the ozone layer only calls for compensatory measures only by citing the importance of danger, and the burden of proving the safety of the activity lies with the opposing party (claimant).

6. Conclusion

The right to a healthy environment and the right to development that their simultaneous

realization requires sustained development is considered as one of the manifestations of dignity and human dignity, which is a complement to human rights for the present generation and a condition for its realization for future generations.

Fortunately, the right to a healthy environment today is no longer just an unattainable dream, but after about forty years of continuous efforts by non-governmental organizations, international organizations and scientific communities, they have become well-known right at international, rational and national levels. Has been eaten. International and regional levels include the Stockholm Declaration (1972), the Universal Declaration of Nature (1982), the Rio Declaration (1992), Article 24 of the Charter of African Human Rights (1981), Article 11 of the Additional Protocol to the American Convention Human Rights (1988), Article 24 of the Convention on the Rights of the Child (1989), article 4, paragraph 1, of the International Labor Organization Convention on the Rights of Indigenous and Tribal Peoples (1989), and many other documents.

As stated, the development of the advisory role of nongovernmental organizations in advancing the advisory role in international environmental law in the last decade has been based on the needs and environmental requirements of humankind more than anything else. Economic growth and technological advances in the contemporary era have caused major damage to the environment. In response to these needs and requirements, international law has sought to protect states by establishing international laws and regulations. In the same vein, "internationalization of environmental protection" can be considered as a modern approach in contemporary international law. On the one hand, and international rules and regulations, on the other hand, they seek to identify the issue of environmental protection as a common humanity, relying on two pillars of international organizations and organizations. However, one of the main obstacles to the development of the advisory role of nongovernmental organizations in advancing the status of advisory in international environmental law is the reluctance of governments to delegate authority or lose it in favor of environmental organizations at the international level. The political structure of the sovereignty is always focused on desire and does not show any interest in delegating it to other political organizations. On the other hand, the confrontation between the traditional actors of international law (governments) regarding environmental protection is another major obstacle to the development and expansion of international law. This conflict of interest may include political, economic, commercial and other interests. Therefore, the four factors of development, peace, liberty and environmental protection should be considered together and these are closely linked to ensuring the "right to life" in a healthy environment.

Regarding the role of sustainable development in environmental law, in each developmental plan, both social and economic, environmental impacts must be assessed and minimized the negative effects of developmental plans for the environment with appropriate design and planning. It does not mean that the environment is the underlying principle and development. In addition, in the context of the environment, only the "protective" dimension is not raised, but "sustainable operation" is also considered. Sustainable exploitation is the point of reconciliation between the environment and development. Both human and environmental protection are needed in human life. In order to realize the developmental goals, it is possible to ex-

ploit the environment, which would lead to the irreparable destruction of natural resources, the extinction of animal and plant species and the emergence of dangerous contaminations. It must be understood that the means of developing natural resources are natural resources and that long-term development can not be achieved by the destruction of natural resources.

Given the above, identifying dimensions, designing and adopting policies and strategies at national, regional and international levels is essential. In this regard, national determination and the overall participation of all government institutions, including three legislative, executive and judicial branches, are necessary for all segments of the population, including public institutions and scientific organizations. The cooperation between state institutions and the alignment between them is a key to success. The elaboration and approval of the "National Sustainable Development Strategy" in all countries is an issue that has always been emphasized on the need for it since 1992 at the International Conference on Environment and Development in Brazil. The international community is gradually drawing up global policies for the implementation of Agenda 21. Leading national governments in this area will lead them to engage in international talks on sustainable development of specific policies and, consequently, more influence on the results.

But many governments, especially in developing countries, are not able to carry out their policies and commitments without access to the means of implementation.

The mobilization of adequate financial resources, access to advanced and appropriate technologies, education of people and authorities, information exchange, cooperation and participation of all government agencies and sectors of the population, and structural and manpower capacity are considered to be executive tools that provide them at the levels. National and international.

Decision making and policy making at the United Nations or other relevant international institutions in the various dimensions of sustainable development should be accompanied by the provision of executive tools. In this regard, developed countries should accept more commitments and assist developing countries in planning and implementation.

Proven experience and collective wisdom dictates that in this global village different countries, regardless of the size and position of the geography of their actions development and state environmental each affected and the government no choice but to cooperate to achieve the goals of sustainable development.

References

Alexander M. Peterson, (2013). Exploration of the East China Sea: The Law of the Sea in Practice, the Berkeley Electronic Press

Alexandre Kiss, Op. Cite. See also: (1996). Patricia W. Birnie and ‐Alan E. Boyle, Basic Documents on International Law and The Environment, Oxford, Clarendon Press

Ansari, Mohsen (2016). The Role and Role of the Environment in the Development Programs of the Islamic Republic of Iran and its Comparison with the Past Programs

Anthony H. Corolesman and Nawaf obid, (2014). Saudi Petroleum Security: Challenges and Response, Working Draft, Center for Strategic and International Studios, Washington DS.

Askari, Pouria and Lawyer, Amirasad, (2015). Third Generation Human Rights, Solidarity, Majd, Tehran

Ben Bor and Others, (1998). International Environmental Law in the Asia Pacific, --London, Kluwer Law International

Bernard A. Gelb, (2016). Caspian Oil and: Production and Prospects, CRS Report for U. S. Congress, Congressional Research Service, Library of Congress

Beikzadeh, Ibrahim (2012). Leaflet of Public International Law, 1, Shahid Beheshti University Law Faculty, Tehran.

Bitrus Joseph Bulama, (2015). Cross-Border Unitization: What Options Are There for States if no Agreement Be Reached, Research Paper, Center for Energy, Petroleum and Mineral Law and Policy, University of Dundee

Bruce M. Kramer and Gary B. Conine, (2013). Joint Development and Operation, in International Petroleum Transaction, Rocky mountain Mineral law foundation, 2

Cameroon, P.D., (2014). the Rules of Engagement: Developing Cross-Border Petroleum Deposits in North Sea and the Caribbean, International and Comparative Law Quarterly, Vol.55, July

Carolyn M. (2013). "NGOs and the Principal Organs of the United Nations", in Paul Taylor and A.J.R. Groom (eds.), The United Nations at the Millennium: The Principal Organs, London: Continuum

Case, Alexander Charles and others (2016). Environmental Law, Vol. I, Translation by Mohammad Hassan Habibi, Tehran University Press, Second Edition

Christopher. M. Flynn, A Board Framework (2014). For The Exploration of South China Sea Hydrocarbon Deposits in The Context of the Trans-Asian Pipeline, Melbourne journal of international law, vol 5

Debir et al. (2017). The study of the principles and concepts of international environmental law with a view to sustainable development

Declaration of the United Nations Conference on the Human Environment General Assembly (GA)

Delhi Declaration on Principles of International Law Relating to Sustainable Development, April 2002

Habibi, Mohammad Hassan (2015). Environmental Law, Jalal, Tehran University Press, 11th Edition

Jacobson, Harold K. (2014). Networks of Interdependence: International Organizations and the Global Political System, New York: Alfred A. Knopf, Second Edition

Lewis, Paul (2012). "Fixing World Crises" Just a Job for Diplomats", New York Times, 5 April

Makhdoom, Majid (2012). Living in the Environment, Third Edition, Tehran University Press

Mashhadi, Ali (2010). Terminology of Environmental Law, Tehran, Khorsandi, First Edition

Momtaz, Jamshid (2014). "The Book of Islamic International Law," Publications of the Faculty of Law and Political Science, Tehran

Moosavi, Seyyed Fazl A. (2006). The evolution of the advisory status of nongovernmental organizations in international environmental law, Thrive, Amount

Mulla'i, Ayat (2009). Article "Principles and principles of sustainable environmental development in the Constitution." U Iran "in the book Environment,

Theories and Procedures, Office of Legal Affairs and the Office of the Environment

Nazemi, Mehrdad, (2006). Leaflet of the Lesson of the Advisory Committee on NGOs in International Environmental Law, Faculty of Environment and Biomedicine and Energy

Qaee, Bahman (2016). International Law of the Seas and Issues of Iran, Ganje Danesh Library, Tehran

Rajabi, Abdullah, (2014). (Considering the Special Criteria for the Design of Civil Liability for Environmental Damage). In: - Mohsenzadeh, Ahmad Ali and others, Laws of Life (Theories and Procedures), Tehran: Khorsandi, First Edition.

Tabibi, Seyyed Jamal, Maleki, Mohammad Reza (2013). Planning Publishing.

Vahdadi Rad, Nima, (2009). Article, Achieving Sustainable Development in the Right to the Environment, Environmental Book, Theories and Procedures, Law Office and Parliamentary Affairs of the Environmental Protection Agency.

Ziyaran, Bolshay Meher (2014). "Development of International Environmental Law, Responsibility of Governments and Peaceful Resolution of Disputes", Journal of Foreign Policy, Vol. 8, No. 3